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CICERO's
SELECT ORATIONS.



CICERO'S

SELECT ORATIONS.

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SELECT
ORATIONS.

MARCUS TULLIUS CICERO:

TRANSLATED INTO ENGLISH,

WITH

THE ORIGINAL LATIN,

FROM THE BEST EDITIONS.

AND

NOTES,

HISTORICAL, CRITICAL, AND EXPLANATORY.

DESIGNED

FOR THE USE OF SCHOOLS,

AS WELL AS PRIVATE GENTLEMEN.

By WILLIAM DUNCAN,

PROFESSOR OF PHILOSOPHY,
IN THE UNIVERSITY OF ABERDEEN.

A NEW EDITION, CORRECTED

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AUG 1910 1991

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MARCUS TULLIUS CICERO

TRANSLATED INTO ENGLISH

THE ORIGIN OF STATES

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BOOK

THE ORIGIN OF STATES AND THE MANNER

OF GOVERNMENT

FOR THE USE OF SCHOOLS

BY MARCUS TULLIUS CICERO

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THE ORIGIN OF STATES

TRANSLATED BY ANDREW
BROWNE TO ACCORDANT
WITH THE EDITION OF THE

EDINBURGH UNIVERSITY PRESS.

NEW EDITION CORRECTED

LONDON

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P R E F A C E.

THE Public is here presented with a New Translation of CICERO'S SELECT ORATIONS, calculated chiefly for that scheme of Education, which has been lately introduced into our Schools, and pursued with so much success.

It was long just matter of complaint, that Youth, at their first entrance on the study of the Latin Tongue, were destitute of such helps as might contribute to render their way smooth, and remove the difficulties that must perpetually occur, in attempting to acquire a foreign language. For, after mastering the declensions and conjugations, when they were put upon the reading of Authors, there was a necessity that they either should have a Teacher constantly with them, or that, by means of a Dictionary, they should themselves find out the signification of such words as occurred : the first is an advantage that but few can attain to ; and the last, besides that it is attended with much loss of time, exposes Youth to perpetual mistakes, as, amidst the great variety of significations that are given, they cannot be supposed capable of choosing aright.

The most obvious remedy for this inconvenience was, along with the original text, to give a literal Translation; and indeed the advantages of this method were so apparent in the Greek Tongue, that one cannot but wonder how it came to be so long before it was introduced in teaching Latin. Custom, it seems, had established a different way ; and an attachment to custom often makes men obstinate in absurdities. However, common sense at last prevailed, and some of the easier Classics, with literal Translations, were put into the hands of Youth. The good consequences of this soon became so very visible, that the practice grew daily more into repute,

and a considerable number of Latin authors have been rendered this way.

It was with a view to promote so useful a scheme of Education, that the Author of the following Translation undertook to put CICERO'S SELECT ORATIONS into the same form. It is a book much used in Schools; and indeed no one better deserves to be so, whether we regard the beauty of the sentiments, or the elegance of the language. The difficulties that occur in reading it, are also such as render a work of this kind highly proper. The Translator, however, considered, that by the time CICERO'S ORATIONS are put into the hands of Youth, they are generally pretty well advanced in the Latin, so as not to stand in need of a Translation strictly literal. He has therefore taken such liberties as were necessary to give his version a free and easy air, that Boys, along with the study of the Latin, may acquire likewise some notion of the purity and propriety of their own tongue; a thing that ought to be carefully attended to in education. And as these ORATIONS have frequent allusions to history and the Roman customs, he has subjoined a great number of *historical* and *explanatory notes*, to obviate such difficulties as might arise from that quarter. Lastly, As there is nothing of greater consequence than to form Youth early to a just taste in composition, he has intermixed a variety of *critical notes*, pointing out some of the more striking beauties with which this part of CICERO's Works so largely abounds.

Upon the whole, the Translator flatters himself, that the following Work will be found not only useful in Schools, but likewise of considerable advantage to such Private Gentlemen, as, being but moderately skilled in the Latin, want to improve their knowledge that way, and acquire some notion of an Author so justly and universally admired. *Ja. mohl*

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CICERO's
SELECT ORATIONS:

TRANSLATED INTO ENGLISH.

WITH

NOTES.

M. T. CICERONIS ORATIONES QUAEDAM SELECTAE.

ORATIO I.

IN Q. CAECILIUM.

I. Si quis vestrum, Judices, aut eorum qui adsunt, fortè miratur, me, qui tot annos in causis judiciisque publicis ita sim versatus, ut defenderim multos, laeserim neminem, subito nunc mutata voluntate, ad accusandum descendere: is, si mei consilii causam rationemque cognoverit, unà et id quod facio probabit, et in hâc causâ profectò neminem praeponendum esse mihi atorem putabit. Cùm quaestor in Siciliâ fuisse, Judices, itaque ex eâ provinciâ decessisse, ut Siculis omnibus jucundam, diutinamque memoriam quaesturae, nominisque mei relinquerem: factum est, uti cùm summum in (1) veteribus patronis multis, tum nonnullum etiam in me praesidium suis fortunis constitutum esse arbitrarentur: qui nunc populati atque vexati, cuncti ad me publicè saepè venerunt, ut suarum fortunarum omnium causam, defensionemque susciperem; me saepè esse pollicitum, saepè os-

NOTES.

The occasion of this oration was as follows: *Verres* having governed Sicily three years with the title of praetor, distinguished himself in that employment by every art of oppression and tyranny. When his command was at an end, all the people of Sicily, those of Syracuse and Messina excepted, resolved to impeach him upon the law of bribery and corruption, and applied to Cicero, who had formerly been questor among them, that he would manage the prosecution. Cicero, though he had hitherto employed his eloquence only in defence of his friends, yet readily undertook the present cause, as it was both just and popular, and gave him an opportunity of displaying his abilities against Hortensius, the only man in Rome that could pretend to rival him in the talent of speaking. In the mean time,

Quintus Caecilius Niger, who had been questor to Verres, and an accomplice with him in his guilt, claimed a preference to Cicero in the task of accusing, and endeavoured to get the cause into his hands in order to betray it. He pretended to have received many personal injuries from Verres: that having been questor under him, he was better acquainted with his crimes; and, lastly, that being a native of Sicily, he had the best right to prosecute the oppressor of his country. Cicero refutes these reasons in the following oration, which is called *Divinatio*, because the process to which it relates was wholly conjectural. For the cause, not properly regarding a matter of fact, but the claims and qualifications of the accusers, the judges, without the help of witnesses were to *divine*, as it were, what was fit

M. TULLIUS CICERO'S SELECT ORATIONS.

ORATION I.

AGAINST CAECILIUS.

SECT. I. If any upon your bench, my Lords, or in this assembly, should perhaps wonder that I, whose practice for so many years, in causes and public trials, has been such as to defend many, but attack none, now suddenly change from my wonted manner, and descend to the office of an accuser; I am apt to think, that, upon weighing the grounds and reasons of my proceeding, he will not only approve of the steps I have taken, but own likewise that I deserve the preference to all others, in the management of the present prosecution. When I had finished my questorship in Sicily, my Lords, and was returned from that province, leaving a grateful and lasting remembrance of my name and administration behind me; it so fell out that the Sicilians, as they placed the highest confidence in many of their ancient patrons, so did they imagine they might repose some in me too for the security of their fortunes. And being at that time grievously harassed and oppressed, they frequently came to me in a body, publicly soliciting me to undertake their defence. They put me in mind of my many promises and

NOTES.

to be done. This happened in the 37th year of Cicero's age, and the 685th of Rome. The affair was decided in favour of Cicero.

(1) *Veteribus patronis multia.*] The provinces had all their protectors and patrons at Rome, who took care of their interests, and to whom they applied for a redress of grievances. The choice in this case commonly fell upon the person who had conquered the country, and reduced it into the form of a province. This right of patronage descended to his posterity, and was considered as an inheritance of the family.

Sicily had many powerful patrons at Rome. The family of the *Marcelli*, sprung from that Marcellus, who in the second Punic war conquered Syracuse. The descendants of Scipio Africanus, who, after the destruction of Carthage, carried back in triumph to Sicily all the ornaments of which the Carthaginians had robbed that island. Lastly, the *Metelli*, two of whom, viz. Metellus Celer, and Metellus Nepo, impeached Marcus Lepidus on account of his misconduct when praetor in that province.

tendisse dicebant, si quod tempus accidisset, quo tempore aliquid à me requirent, commodis eorum me non defuturum. Venisse tempus aiebant, non jam ut commoda sua, sed ut vitam, salutemque totius provinciae defenderem: sese jam ne deos quidem in suis urbibus, ad quos confugerent, habere: quod eorum simulacra sanctissima C. Verres ex delubris religiosissimis sustulisset: quas res luxuries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, superbia in contumeliis, efficere potuisset, eas omneis sese hoc uno praetore (2) per triennium pertulisse: rogare et orare, ne illos supplices aspernarer, quos, me incolumi, nemini supplices esse oporteret.

II. Tuli graviter et acerbè, Judices, in eum me locum adductum, ut aut eos homines spes falleret, qui opem à me atque auxilium petiissent, aut ego, qui me ad defendendos homines ab ineunte adolescentiâ dedissem, tempore atque officio coactus (3) ad accusandum traducerer. Dicebam habere eos actorem Q. Caecilium, qui praesertim quaestor in eâdem provinciâ post me quaestorem fuisset. Quo ego adjumento sperabam hanc à me molestiam posse dimoveri, id mihi erat adversarium maximè: nam illi multò mihi hoc facilius remisissent, si istum non nōssent, aut si iste apud eos quaestor non fuisset. Adductus sum, Judices, officio, fide, misericordiâ, multorum bonorum exemplo, veteri consuetudine, institutoque majorum, ut onus hoc laboris atque officii, non ex meo, sed ex meorum necessariorum tempore mihi suscipiendum putarem. Quo in negotio tamen illa me res, Judices, consolatur, quod haec, quae videtur esse accusatio mea, non potiùs accusatio quàm defensio est existimanda. Defendo enim multos mortales, multas civitates, provinciam Siciliam totam. Quamobrem si mihi unus est accusandus, prope modùm manere in instituto meo videor, et non omninò à defendendis hominibus, sublevandisque discedere. Quod si hanc causam tam idoneam, tam illustrem, tam gravem non haberem:

NOTES.

(2) *Per triennium.*] Though the provincial governors continued regularly in office but one year, yet many accidents might prolong the time of their command. Arrius had been appointed to succeed Verres, but dying before he reached Sicily, the other was continued in office two years longer.

(3) *Ad accusandum traducerer.*] Cicero had hitherto confined himself only to the defence of his friends and clients, which was extremely popular at Rome; whereas the contrary task of accusing was no less odious. He therefore thinks

himself obliged, in the beginning of his speech, to give some reasons for this seeming change in his conduct. He observes, that the cause he was engaged in, though in appearance an accusation, was in reality a defence: That he impeached only one man, but defended a whole people: And that he could not have declined taking part in the present trial, but by renouncing all his engagements with the Sicilians. It may not be amiss to remark here, that though accusing in general was a very invidious office at Rome, yet the impeaching and bringing to justice a

declarations, not to be wanting to them in offices of friendship, when time or necessity should require. The time, they told me, was now come, when not only their fortunes, but the very being and safety of the whole province was at stake: That they had not even their gods to fly to for protection; of whose sacred images, their cities, and most august temples had been rifled by the impiety of Verres: That whatever luxury in voluptuousness, cruelty in punishing, avarice in extortion, or insolence in oppression, could devise to torment a people, had by this one praetor, during the space of three years, been inflicted upon them: That they therefore requested and conjured me not to disregard their supplications, since, while I was safe, they ought to become suppliants to none.

SECT. II. It was with indignation and concern, my Lords, that I saw myself reduced to the necessity, either of disappointing those who applied to me for relief and assistance, or undertaking the disagreeable task of an accuser, after having employed myself from my earliest youth in defending the oppressed. I told them they might have recourse to Q. Caecilius, who seemed the fitter person to manage their cause, as he had been quaestor after me in the same province. But the very argument by which I hoped to extricate myself from this difficulty, proved a principal obstruction to my design: For they would much more readily have agreed to my proposal, had they not known Caecilius, or had he never exercised the office of quaestor among them. I was therefore prevailed upon, my Lords, from a consideration of my duty, my engagements, the compassion due to distress, the examples of many worthy men, the institutions of former times, and the practice of our ancestors, to charge myself with a part in which I have not consulted my own inclinations, but the necessities of my friends. It is some comfort, however, my Lords, that my present pleadings cannot so properly be accounted an accusation, as a defence. For I defend a multitude of men, a number of cities, and the whole province of Sicily. If, therefore, I am under a necessity of arraigning one, I still seem to act agreeably to my former character, without deviating from the patronage and defence of mankind. But granting I could not produce such powerful, weighty, and urgent reasons; granting the Sici-

NOTES.

corrupt magistrate, was ever accounted honourable, and had frequently been undertaken by men of the most distinguished characters in the state. Nay, one of

Cicero's principal motives in charging himself with this trial was, to recommend himself to the favour of the people, and facilitate his views of advancement.

si aut hoc à me Siculi non petiissent, aut mihi cum Siculis causa tautae necessitudinis non intercederet, et hoc, quod facio, me reipub. causâ facere profiterer, ut homo singulari cupiditate, audaciâ, scelere praeditus, cuius furta atque flagitia non in Siciliâ solùm, (4) sed in Achaiâ, Asiâ, Ciliciâ, Pamphyliâ, Romae denique ante oculos omnium maxima turpissimaque nôsseinus, me agente in judicium vocaretur: quis tandem esset, qui meum factum aut consilium posset reprehendere?

III. Quid est, pro Deûm hominumque fidem! in quo ego reip. plus hoc tempore prodesse possim? Quid est, quod a populo Rom. gratius esse debeat? aut sociis, exterisque nationibus, optatius esse possit, aut saluti, fortunisque omnium magis accommodatum sit? Populatae, vexatae, funditus eversae provinciae: socii, stipendiariique populi Romani afflitti, miseri, jam non salutis spem, sed exitii solatium quaerunt. (5) Qui judicia manere apud ordinem Senatorium volunt, queruntur accusatores se idoneos non habere, qui accusare possunt, judiciorum severitatem desiderant. Populus Rom. interea, tametsi multis incommodis, difficultatibusque affectus est, tamen nihil aequo in repub. atque illam veterem judiciorum vim, gravitatemque requirit. Judiciorum desiderio, tribunitia potestas efflagitata est: judiciorum levitate, ordo quoque alias ad res judicandas postulatur. Judicium culpâ atque dedecore (6) etiam censorium nomen, quod asperius antea populo videri solebat, id nunc poscit: id jam populare, atque plausibile factum est. In hac libidine hominum nocentissimorum, in populi Rom. quotidiana querimoniâ, judiciorum infamia, totius ordinis offensione,

NOTES.

(4) *Sed in Achaea, Asia, &c.*] Verres had been lieutenant to Dolabella, proconsul of Cilicia; where, as well as in the other provinces here mentioned, he rendered himself odious to the inhabitants by his avarice, cruelty, and reiterated oppressions. Nor was he less infamous at Rome, having exercised the office of praetor in that city, and by his venal administration incurred the general hatred of the people.

(5) *Qui judicia manere apud ordinem Senatorium.*] Caius Gracchus had passed a law, by which the administration of justice was vested in the order of knights. This privilege they enjoyed with great reputation, till Sylla, having made himself master of the republic, transferred it from the knights to the senators, with whom it remained at this time. But as these last did not execute this great trust,

with the integrity and impartiality that might have been expected, the people were impatient to see it restored to the equestrian order. For the same reason they were very desirous that the tribunitian power might recover its former vigour, which had always been a great check upon the nobles, till the before mentioned usurpation of Sylla, who, in favour of his own order, considerably retrenched the authority of that office.

(6) *Etiam censorium nomen.*] The censors were created every fifth year to watch over the manners and discipline of the state. They had power to punish immorality in any person, of what order soever. The senators they might expel the house, which was done by omitting such a person, when they called over the names. The knights they punished, by taking away the horse allowed them at

lians had not solicited me to undertake their cause; or that my connection with them had not laid me under any obligations to comply; and that, in this whole affair, I should profess no other motive than the view of serving my country, and of bringing to justice a man, infamous for avarice, insolence, and villainy; whose robberies and crimes have not been confined to Sicily alone, but are likewise notorious over all Achaia, Asia, Cilicia, Pamphylia; in fine, at Rome, before the eyes of all men:—Who, I desire to know, could object either to my conduct or intentions?

SECT. III. Immortal Gods! what nobler service can I, at this time, render the commonwealth? What can I undertake more grateful to the people of Rome—more desirable to our allies and foreign nations, or more calculated for the safety and advantage of mankind in general? The provinces are plundered, harassed, and utterly ruined. The allies and tributaries of the Roman people, overwhelmed with anguish and affliction, despair now of redress, and only sollicit an alleviation of their calamities. They who are for having the administration of justice continue in the hands of the senators,—complain of the insufficiency of accusers. And they who are capable of acting as accusers, complain of the remissness of the judges. In the mean time, the Roman people, though labouring under many hardships and difficulties, desire nothing so much as the revival of the ancient force and firmness of public trials. Through their impatience for a vigorous administration of justice, they have extorted the restoration of the tribunitian power. From the contempt into which our tribunals are fallen, another order is demanded for the decision of causes. The infamy and corruption of the judges have occasioned a desire to see the censorship re-established; an office which, though formerly accounted severe, is now become popular and agreeable. Amidst these exorbitant oppressions of guilty men, amidst the daily complaints of the Roman people, the infamy of our tribunals, and the odium conceived against the whole order of Senators, as there appeared no other remedy for

NOTES.

the public charge. The commons they might either remove from a higher tribe to a less honourable; or quite disable them to give their votes in the assemblies; or set a fine upon them, to be paid to the treasury. At the end of the fifth year they took an exact survey of the people, concluding the whole with a solemn lustration, or expiatory sacrifice. The sacrifice consisted of a sow, a sheep, and a bull; whence it took the name of *Suovetaurilia*. The ceremony of per-

forming it they called *Lustrum condere*: and upon this account, the space of five years came to be signified by the word *Lustrum*. This office, though useful and necessary, was yet very odious in a free state: and for that reason had been discontinued several years. But now corruption, especially in courts of justice, was come to such a height, that the people themselves were desirous of reviving it.

cum hoc unum his tot incommodis remedium esse arbitrarer, ut homines idonei atque integri causam reipub. legumque suscipient: fateor me salutis omnium causâ ad eam partem accessisse reipubl. sublevandae, quae maximè laboraret. Nunc quoniā quibus rebus adductus ad causam accesserim demonstravi, dicendum necessariò est de contentione nostrâ, ut in constituendo accusatore, quid sequi possitis, habeatis. Ego sic intelligo, Judices, (7) cum de pecuniis repetundis nomen cujuspam deferatur, si certamen inter aliquos sit, cui potissimum delatio detur, haec duo in primis spectari oportere: quem maximè velint actorem esse ii, quibus factae esse dicantur injuriae: et quem minimè velit is, qui eas injurias fecisse arguatur.

IV. In hâc causâ, Judices, tametsi utrumque esse arbitror per spicuum; tamen de utroque dicam, et de eo priùs, quod apud vos plurimùm debet valere, hoc est, de voluntate eorum, quibus injuriae factae sunt: quorum causâ judicium de pecuniis repetundis est constitutum. Siciliam provinciam C. Verres per triennium depopulatus esse, Siculorum civitates vastâsse, domos exinanisse, fana spoliâsse dicitur. Adsunt, queruntur Siculi universi: ad meam fidem, quām habent spectatam jam et diu cognitam, confugiunt: auxilium sibi per me à vobis, atque à populi Romani legibus petunt: me defensorem calamitatum suarum, me ultorem injuriarum, me cognitorem juris sui, me actorem causae totius esse voluerunt. Utrum, Q. Caecili! hoc dices, me non Siculorum rogatu ad causam accedere? an optimorum fidelissimorumque sociorum voluntatem apud hos gravem esse non oportere? Si id audebis dicere, quod C. Verres, cui te inimicum esse simulas, maximè existimari vult, Siculos hoc à me non petiisse; primum causam inimici tui sublevabis, (8) de quo non praejudicium, sed planè judicium jam factum putatur: quod ita percrebuit, Siculos omneis actorem suae causae contra illius injurias quaesiisse. Hoc, si tu inimicus ejus factum negabis quod ipse, cui maximè haec res obstat, negare non audet; videto, ne nimium familiariter inimicitias exercere videare. Deinde sunt testes viri clarissimi nostrae civitatis, quos omneis à me nominari

NOTES.

(7) *Cum de pecuniis repetundis.*] *Crimen repetundarum* was, where a charge of extortion was brought against any magistrate: so called because the prosecutor sued him in an action of damages, *pecunias creptas repetebat*.

(8) *De quo non praejudicium, sed plane judicium.*] This passage carries a good deal of difficulty in it. *Praejudicium* signifies a previous judgment, or a sentence

pronounced upon one part of the trial, which might serve as a precedent to direct the decision of the whole. *Judicium* again denotes the issue and final determination of the business. The orator's meaning seems to be, that there was not only a strong presumption of what he here advances, but that the matter was so notorious, as not to be in the least doubted of by the public.

these evils, but for men of ability and integrity to undertake the defence of the commonwealth and the laws, I own I was prevailed upon, out of regard to the common safety, to endeavour at relieving the republic, in that part where she seemed most to stand in need of help. And now that I have laid before you the reasons by which I was determined to appear in this cause, it remains that I speak to the point under debate, that in the choice of an accuser you may the better see whereon to ground your judgment. I apprehend, my Lords, when an information is brought against any one for extortion, if a dispute arises about the person most proper to act as impeacher, that these two things are of principal moment; whom the parties aggrieved chiefly desire to have the management of their cause; and whom the person accused dreads most in that capacity.

SECR. IV. Though I think both these points, my Lords, sufficiently clear in the present case, yet I shall speak particularly to each of them; And first, of that which ought to have the principal sway in this debate; I mean, the inclination of the suffering parties, for whose sake the present trial was granted. C. Verres is charged with having for three years plundered the province of Sicily, rifled the cities, stripped the private houses, and pillaged the temples. The Sicilians in a body are present, to offer their complaints. They fly to my protection, of which already they have had long and ample experience. By me they solicit redress from this court, and from the laws of the Roman people. They have chosen me as their refuge against oppression, as the revenger of their wrongs, the patron of their rights, and the sole manager of the present impeachment. Will you, Caecilius, pretend, either that the Sicilians have not importuned me to undertake their cause, or that the inclinations of our best and most faithful allies ought not to weigh with those who compose this court? If you dare assert what Verres, to whom you profess yourself an enemy, desires above all things should be believed, that the Sicilians have not applied to me in this case; you will thereby do a service to the cause of your enemy, against whom not a presumptive sentence only, but an absolute judgment is already supposed to be given, from the notoriety that the Sicilians have unanimously demanded an advocate for their rights against his oppressions. If you, his enemy, dispute this fact, which he himself, though it makes directly against him, has not the face to deny, beware that you are not suspected of pushing your resentment with too gentle a hand. Besides, several of the most illustrious men of the commonwealth, all whose names it were needless to repeat, can witness the contrary. I

non est necesse: eos qui adsunt, appellabo, quos, si mentirer, testeis esse impudentiae meae minimè vellem. Scit is, qui est in consilio, C. Marcellus: scit is, quem adesse video, Cn. Lentulus Marcellinus: quorum fide, atque praesidio Siculi maximè nituntur, quòd omnìnò Marcellorum nomini tota illa provincia adjuncta est. Hi sciunt, hoc non modo à me petitum esse, sed ita saepè, et ita vehementer esse petitum, ut aut causa mihi suscipienda fuerit, aut officium necessitudinis repudiandum. Sed quid ego his testibus utor, quasi res dubia, aut obscura sit? Adsunt homines ex totâ provinciâ nobilissimi, qui praesentes vos orant, atque obsecrant, Judices, ut in actore causae suae diligendo, vestrum judicium à suo judicio ne discrepet. Omnium civitatum totius Siciliae legationes adsunt, (9) praeter duas civitates: quarum duarum, si adessent, duo crimina vel maxima minuerentur, quae cum his civitatibus C. Verri communicata sunt. At enim cur à me potissimum hoc praesidium petivérunt? Si esset dubium, petissent à me praesidium necne, dicerem cur petiissent. Nunc verò cùm id ita perspicuum sit, ut oculis judicare possitis, nescio cur hoc mihi detrimento esse debeat, si id mihi objiciatur, me potissimum esse delectum. Verùm id mihi non sumo, Judices, et hoc non modò in oratione mēâ non pono, sed ne in opinione quidem cujusquam relinqu, me omnibus patronis esse praepositum. Non ita est, sed uniuscujusque temporis, valetudinis, facultatis ad agendum, ducta ratio est. Mea fuit semper haec in hâc re voluntas et sententia, quemvis ut hoc mallem de iis, qui essent idonei, suscipere, quam me; me, ut mallem, quam neminem.

V. Reliquum est jam, ut illud quaeramus, cùm hoc constet, Siculos à me petisse, ecquid hanc rem apud vos, animosque vestros valere oporteat: ecquid auctoritatis apud vos in suo jure repetundo socii populi Rom. supplices vestri habere debeant? De quo quid ego plura commemorem? quasi verò dubium sit, quin tota lex de pecuniis repetundis sociorum causâ constituta sit. Nam civibus cùm sunt ereptae pecuniae, civili ferè actione, et privato jure repetuntur. Haec lex socialis est: hoc jus nationum exterarum est: hanc habent arcem, minus aliquantò nunc

NOTES.

(9) *Praeter duas civitates.*] The two cities here meant, are Syracuse and Messana; for these being the most considerable of the provinces, Verres had taken care to keep up a fair correspondence with them. Syracuse was the place of his residence, and Messana the repository of his plunder, whence he exported it all to Italy: And though he would treat even these on certain occasions very arbitrarily, yet in some flagrant instances of his rapine, that he might ease

himself of a part of the envy, he used to oblige them with a share of the spoil: So that partly by fear, and partly by favour, he held them generally at his devotion; and at the expiration of his government, procured ample testimonials from them both, in praise of his administration. All the other towns were zealous and active in the prosecution, and by a common petition to Cicero, implored him to undertake the management of it.

shall mention only such as are present, whom I would be very far from having the assurance to appeal to, were I conscious of advancing a falsehood. C. Marcellus, who sits upon the bench, knows the truth of what I assert. Cn. Lentulus Marcellinus, whom I see in court, can likewise testify the same thing: Two persons, on whose protection and patronage the Sicilians have a principal dependence; that whole province being in a particular manner attached to the name of Marcelli. These know, that I have been not only importuned to undertake this affair, but so frequently, and with so much earnestness, that I was under a necessity of either charging myself with the cause, or renouncing the ties of relation between us. But what need, after all, of appealing to witnesses, as if the thing was doubtful or obscure? Men of the greatest quality in the whole province are here present, my Lords, who personally request and conjure you, that in appointing one to prosecute their cause, your sentiments may not be different from theirs. Commissioners appear from every part in Sicily, except two; whose deputies, if present, would considerably weaken the force of two principal branches of the accusation, in which these cities were accomplices with Verres. But—why do they apply chiefly to me for protection? If the fact itself was doubtful, I might perhaps explain the reasons of this application. But as it is a case so evident that you may judge of it by what you see, I know no reason why an objection from my being chosen preferable to all others, ought to affect me. But my Lords, I arrogate no such distinction to myself, and am so far from claiming it in what I now offer to your consideration, that I should be sorry if it entered into the imagination of any person whatsoever, that I was preferred to all other patrons. 'Tis by no means so: But regard is had to every one's circumstances, health, and abilities. My inclinations and sentiments always were, that any one capable of managing the cause should undertake it rather than myself; but myself rather than none.

SECT. V. Since then, it is evident, that the Sicilians have besought me to charge myself with their defence, it now remains that we enquire, whether this ought to have any influence in the present debate; whether the allies of the Roman people, applying in a suppliant manner for a redress of grievances, ought not to have great weight in swaying your determinations? But why do I dwell upon this subject? as if it was not apparent that the whole system of laws relating to extortion were established for the sake of the allies alone. When citizens defraud one another, they may have recourse to a civil action, and the municipal laws of the state. This law is wholly social; 'tis the peculiar right of foreign nations: They have this fortress, some-

quidem munitam, quām antea: verumtamen, si qua reliqua spes est, quae sociorum animos consolari possit, ea tota in hāc legē posita est: cuius legis non modò à populo Romano, sed etiam ab ultimis nationibus jampridem severi custodes requiruntur. Quis igitur est, qui neget oportere eorum arbitratu lege agi, quorum causā lex sit constituta? Sicilia tota, si unā voce loqueretur, hoc diceret: Quod auri, quod argenti, quod ornamento-rum in meis urbibus, sedibus, delubris fuit, quod in unaquāque re beneficio Senatūs populiique Romani juris habui, id mihi tu, C. Verres, eripuisti, atque abstulisti: Quo nomine abs te (10) sestertium millies ex lege repeto. Si universa, ut dixi, provincia loqui posset, hāc voce uteretur. Quoniam id non poterat, harum rerum actorem, quem idoneum esse arbitrata est, ipsa de legit. In hujusmodi re quisquam tam impudens reperiatur, qui ad alienam causam, invitis iis, quorum negotium est, accedere aut aspirare audeat?

VI. Si tibi, Q. Caecili, hoc Siculi dicent; te non novimus: Nescimus qui sis: Nunquam te antea vidimus: Sine nos per eum nostras fortunas defendere, cuius fides est nobis cognita: Nonne id dicent, quod cuivis probare deberent? Nunc hoc dicunt: Utrumque se nōsse: alterum se cupere defensorem esse fortunarum suarum: alterum planè nolle. Cur nolint, etiamsi taceant, satis dicunt: verum non tacent; tamen his invitissimis,

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(10) *Sestertium millies ex lege repeto.*] It will be proper here to give the reader such a general notion of the Roman coins, and their manner of computing, as may enable him to form a judgment of the several sums that frequently occur in this work. The Romans reckoned their money by *aes*, *asses*, *sestertii* or *nummi*, *denarii*, *solidi* or *aurei*, *pondi* or *libra*. The *aes*, or *as*, was so named as being of brass, and at first consisted of a pound weight; but was, in time, reduced to two ounces, then to one ounce, and at last to half-an-ounce. Its parts were, the *semis*, or half *aes*; the *triens*, or third part of the *aes*; the *quadrans*, or fourth part, by some called *triuncis* and *teruncius*, because it contained three ounces, before the value was diminished; the *sextans*, or sixth part, which made two ounces; and, lastly, the *uncia*, or twelfth part, making one ounce. They had likewise names for any other number of ounces under twelve; as the *quincunx*, *septunx*,

bes, *dodrans*, &c. The *sestertius*, so called *quasi sesqui-tertius*, because it made two *asses* and an half, was the fourth part of the *denarius*, in value about two-pence of our money. It is often called absolutely *nummus*, because it was in most frequent use, as also *sestertius nummus*. When the word is used in the neuter gender, *sestertium*, it denotes always a thousand *sestertii*: The *denarius* was the chief silver coin in use among the Romans, so called because it contained *denos aeris* ten *asses*; it was equivalent to four *sestertii*, or about eight-pence of our money. The *solidus*, or *aureus*, was a gold coin, equal in value to two *denarii*. The *as*, because at first it was a pound-weight, is often thus expressed L.; and the *sestertius*, because it was equivalent to two pounds of brass and a half, thus H. S. . L. S. The sums in use among the Romans were chiefly three; the *denarius*, the *libra*, and the *talent*. The *sestertium*, as we have already ob-

what weakened indeed, and less able to protect them than formerly; yet still, if any hope remains, to cheer the hearts of our allies, it is wholly founded on this law; a law which not only the people of Rome, but the remotest nations, long to see under the care of rigorous guardians. Who then can deny, that a law ought to take its course according to the inclination of those in favour of whom it was enacted? Could all the people of Sicily speak with one voice, they would say, You, Verres, have robbed and plundered us of all the gold, silver, and ornaments, that were in our cities, houses, or temples; you have violated every privilege we enjoyed by the friendship of the senate and people of Rome; and, on that account, we have brought an action against you of an hundred million of sesterces. I say, could the whole province speak with one tongue, this would be its language. But, as that is impossible, they have made choice of such an advocate as they thought best for their purpose. Shall any one, therefore, in an affair of this kind, have the assurance to thrust himself into another's cause, contrary to the inclinations of those who are immediately concerned?

SECT. VI. Should the Sicilians speak thus to you, Caecilius: We know you not; we are strangers to your character; we never saw you before; suffer us to commit the defence of our fortunes to a man whose integrity we have experienced: Would they not say what all the world must approve? Now they even tell you, that they know us both; that they expressly desire the one for their advocate, and will have nothing to do with the other. Were they silent as to the reasons of this refusal, it would be no hard matter to divine them: But they are by no means silent. Will you then force yourself upon

NOTES.

served, was equivalent to a thousand *sestertii*, about eight pounds of our money. In reckoning by sesterces, the Romans had an art, which may be understood by these three rules: The first is, if a numeral noun agree in case, gender, and number, with *sestertius*, then it denotes precisely so many *sestertii*, as *decem sestertii*, just so many. The second is this, if a numeral noun of another case be joined with the genitive plural of *sestertius*, it denotes so many thousand, as *decem sestertium* signifies ten thousand *sestertii*. Lastly, if the adverb numeral be joined, it denotes so many hundred thousand, as *decies sestertium* signifies ten hundred thousand *sestertii*; or, if the numeral adverb be put by itself, the signification is

the same; *decies* or *vigesies* stand for so many hundred thousand *sestertii*, or so many hundred *sestertia*. This will help us to discover the sum here mentioned by Cicero. For, according to the last of these rules, *millies sestertium* signifies a thousand times a hundred thousand *sestertii*, or a hundred thousand *sestertia*: And, as the *sestertium* was nearly equal to eight pounds of our money, the whole sum amounts to about eight hundred thousand pounds. The *libra*, or pound, contained twelve ounces of silver, and was worth three pounds of our money. The third sum was the talent, which contained twenty-four *sestertia*, amounting nearly to an hundred and ninety-two pounds.

te offeres? Tamen in alienâ causâ loquere? Tamen eos defendes, qui se ab omnibus desertos potius, quam abs te defensos esse malunt? tamen his operam tuam pollicebere, qui te neque velle suâ causâ, nec, si cupias, posse arbitrantur? cur eorum spem exiguum reliquarum fortunarum, quam habent in legis et judicii severitate positam, vi extorquere conaris? cur te interponis, invitissimis his, quibus maximè lex consultum esse vult? cur de quibus in provinciâ non optimè es meritus, eos nunc planè fortunis omnibus conaris evertere? cur his non modò persequendi juris sui, sed etiam deplorandae calamitatis adimis potestatem? Nam, te actore, quem eorum affuturum putas, quos intelligis, non, ut per te alium, sed ut per aliquem te ipsum ulciscantur, laborare?

VII. At enim solùm id est, ut me Siculi maximè velint: alterum illud credo obscurum est, à quo Verres minimè se accusari velit. Ecquis unquam tam palam de honore, tam vehementer de salute suâ contendit, quam ille, atque illius amici, ut ne haec mihi delatio detur? Sunt multa, quae Verres in me esse arbitratur, quae scit in te, Q. Caecili, non esse: quae cujusmodi in utroque nostrum sint, paulò post commemorabo. Nunc tantum id dicam, quod tacitus tu mihi assentiare, nullam rem in me esse, quam ille contemnat: nullam in te quam pertimescat. (11) Itaque magnus ille defensor, et amicus ejus, tibi Hortensius suffragatur, me oppugnat: aperte ab Judicibus petit, ut tu mihi anteponare: et ait hoc se honeste sine ullâ invidiâ, ac sine ullâ offensione contendere. Non enim, inquit, illud peto, quod soleo, cum vehementius contendи, impetrare; reus ut absolvatur, non peto: sed, ut ab hoc potius quam ab illo accusetur, id peto. Da mihi hoc: concede, quod facile est, quod honestum, quod non invidiosum: quod cum dederis, sine ullo tuo periculo, sine infamia illud dederis, ut is absolvatur, cuius ego causâ labore. Et ait idem, ut aliquis metus adjunctus sit ad gratiam, certos esse in consilio, quibus ostendi tabellas velit: id esse perfacile;

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(11) *Itaque magnus ille defensor, et amicus ejus Hortensius.*] Hortensius was a pleader of distinguished abilities, and had acquired great reputation in the Forum, when Cicero first made his appearance as an orator. These two long rivalled each other; but Hortensius having first run through the career of public honours, began to slacken a little his efforts; while Cicero, on the other hand, redoubling his, obtained at last, by the general suffrage of the city, the palm of eloquence. We have here a representation of Her-

tensius's manner of pleading, who seemed not to have been over-scrupulous in point of equity, thinking all means lawful by which he could bring off his client. But doubtless we are to view the picture with some grains of allowance, as it comes from the hand of an adversary and a rival.

(12) *Ceratam unicuique tabellam, &c.*] This alludes to the manner of giving judgment among the Romans. The judges had each a tablet covered with wax, upon which they wrote the letter

them against their inclination? Will you speak in a cause, in which you have no concern? Will you charge yourself with the defence of those who choose rather to see themselves abandoned by all the world, than trust their defence in your hands? Will you engage to protect a people, who are persuaded you have neither inclination nor power to serve them? Why would you deprive them of the small hopes of relief they have still left, in the equity of the laws and judges? Why would you interpose, in opposition to the will of those, for whose benefit the law was chiefly designed? Why do you aim at entirely subverting the fortunes of a people, to whom you have rendered yourself so very obnoxious in the province? Why are you for divesting them of the power, not only of prosecuting their rights, but even of deplored their misfortunes? For which of them, do you imagine, would attend the trial under your management, when you know they are labouring, not to punish another by your help, but by means of another, to avenge the wrongs they have received from you?

SECT. VII. But this proves only, that the Sicilians chiefly desire me for their advocate. The other point, whom Verres most dreads in the capacity of accuser, may, perhaps, be thought obscure. Did ever man struggle more earnestly in a cause where both his honour and life are concerned, than he and his friends, to have my service set aside in the present trial? There are many things, Verres imagines in me, of which he knows you, Caecilius, to be destitute. But of these, and the manner in which they exist in us both, I shall soon have occasion to speak. At present I shall only say, what you yourself must tacitly allow, that there is nothing in me which he can condemn, nothing in you which he ought to dread. Hence his great friend and champion Hortensius solicits for you, and opposes me. He openly demands of the Judges, to give you the preference; and pretends, that in this he acts fairly, without jealousy or resentment. I ask not, says he, what I am wont to obtain, when I plead with earnestness: I ask not that the criminal should be acquitted; but only that he should be impeached by this man, rather than the other. Grant me but this; grant what is easy, honourable, and safe; and, in so doing, you will, without danger or infamy to yourselves, secure the absolution of him whose cause I espouse. And that fear as well as favour may determine you to a compliance, he says there are certain Judges in court, to whom he is resolved the

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A, if they meant to acquit; C, if they condemned; and N. L. that is, *non liquet*, if the cause appeared doubtful. | These tablets were delivered to the proper officer, who put them into an urn; and, after sorting them, declared the ma-

non enim singulos ferre sententias, sed universos constituere:
 (12) ceratam unicuique tabellam dari cerâ legitimâ, non illâ infami ac nefariâ. Atque is non tam propter Verrem laborat, quâm quòd eum minimè res tota delectat. Videt enim, si à (13) pueris nobilibus, quos adhuc elusit, si à quadruplatoribus, quos non sine causâ contempsit semper, ac pro nihilo putavit, accusandi voluntas ad viros forteis, spectatosque homines translata sit, se in judiciis dominari non posse.

VIII. Huic ego homini jam antè denuncio, si à me causam hanc vos agi volueritis, rationem illi defendendi totam esse mutandam; et ita tamen mutandam, ut meliore et honestiore conditione sit, quâm qua ipse esse vult: ut imitetur homines eos, quos ipse vidit amplissimos, L. Crassum, et M. Antonium; qui nihil se arbitrabantur ad judicia, caussasque amicorum praeter fidem et ingenium afferre oportere. Nihil erit, quod, me agente, arbitretur judicium sine magno multorum periculo posse corrumpi. Ego in hoc judicio mihi Siculorum causam receptam, populi Rom. susceptam esse arbitror: ut mihi non unus homo improbus opprimendus sit, id quod Siculi petivérunt: sed omnino omnis improbitas, id quod populus Rom. jam diu flagitat, extinguenda, atque delenda sit. In quo ego quid eniti, aut quid efficere possim, malo in aliorum spe relinquere, quâm in oratione meâ ponere. Tu verò, Caecili! quid potes? quo tempore, aut quâ in re, non modo specimen caeteris aliquod dedisti, sed tute tui periculum fecisti? in mentem tibi non venit, quid negotii sit causam publicam sustinere? vitam alterius totam explicare, atque eam non modo in animis Judicum, sed etiam in oculis, conspectuque omnium exponere? sociorum salutem, commoda provinciarum, vim legum, gravitatem judiciorum defendere?

IX. Cognosce ex me, quoniam hoc primum tempus discendi nactus es, quam multa esse oporteat in eo, qui alterum accuset: ex quibus si unum aliquod in te cognoveris, ego jam tibi ipse istuc, quod expetis, mea voluntate concedam. Primum integri-

NOTES.

jority. As to the infamous tablets the author here speaks of, Asconius tells us that Terentius Varro being accused of extortion, and defended by Hortensius, the latter found means to corrupt the Judges; and to make sure that they fulfilled their engagement, contrived to give them tablets covered over with wax of different colours, that, by the letters inscribed upon each, he might know whether they voted according to agreement.

(13) *Pueris nobilibus—quadruplatori-*

bus.] This refers to Appius Claudius, and Caesar, both young men; the one of whom accused Terentius Varro, the other Dolabella. But by the artful management of Hortensius, who made use of the tickets of different colours mentioned above, they were both acquitted. The *quadruplatores* were officers, whose business it was to take cognizance of state crimes, and prepare articles of impeachment against the offenders; who, if cast, forfeited a fourth part of their goods to the accusers.

suffrages shall be shown. That this is an easy matter, as they give not in their votes singly, but jointly and together. That every judge is to have a tablet legitimately waxed over, where artifice and treachery can have no place. Nor is all this anxiety so much for the sake of Verres, as from his dislike to the whole proceeding. For he sees, that if the business of accusation is taken out of the hands of young men of quality, whom he has hitherto baffled, and of pettifoggers, whom he has always justly despised and set at nought, and committed to men of courage and reputation, he can no longer domineer in the courts of justice as formerly.

SECT. VIII. And here I think proper to acquaint this gentleman beforehand, that if the cause in question is committed to my care, he must resolve upon changing his whole method of defence; and yet the alteration must be such, as may perhaps tend more to his honour and reputation than he desires; by obliging him to an imitation of those great men whom he has seen make so distinguished a figure in the Forum, Lucius Crassus and Marcus Antonius, who thought themselves at liberty to employ no weapons in defence of their clients, but integrity and eloquence. He shall have no reason to think, if I am charged with the impeachment, that this bench can be corrupted without great peril to many. In the cause now before you, my Lords, though I have indeed undertaken the defence of the Sicilians, yet I consider myself as principally labouring for the Roman people; as endeavouring to crush, not a single oppressor, which is all the Sicilians have in view, but to exterminate and abolish the very name of oppression, which is what the Roman people have long desired with earnestness. What my efforts or success may be, I choose rather to leave to the imagination of others, than insinuate by any expressions of my own. But what are you, Caecilius, able to effect? On what occasion, or in what cause, have you either given proof of your ability to others, or so much as made trial of them yourself? Do you reflect upon the difficulties of managing a public trial? of unravelling another's whole course of life, and fixing it not only in the minds of the Judges, but painting it to the eyes and imagination of all men? of defending the safety of our allies, the rights of provinces, the authority of the laws, and the majesty of justice?

SECT. IX. Learn from me, now that an opportunity of informing yourself first falls in your way, how many qualifications are required in the man who undertakes a public accusation: and if you can with justice lay claim to any one of them, I shall frankly give up the point in debate. First, an unblemished innocence and integrity; for nothing can be more absurd, than for a man to

tatem, atque innocentiam singularem: nihil est enim quod minus ferendum sit, quam rationem ab altero vitae reposcere eum, qui non possit suae reddere. Hic ego de te plura non dicam: unum illud credo omnes animadvertere, te adhuc ab nullis nisi à Siculis potuisse cognosci: Siculos hoc dicere, cum eidem sint irati, cui tu te inimicum esse dicis, sese tamen, te actore, ad judicium non affuturos. Quare negent, ex me non audies: hos patere id suspicari, quod necesse est. Illi quidem (ut est hominum genus nimis acutum et suspiciosum) non te ex Siciliâ literas in Verrem deportare velle arbitrantur; sed, cum iisdem literis illius praetura et tua quaestura consignata sit, (14) asportare te velle ex Siciliâ literas suspicantur. Deinde accusatorem firmum verumque esse oportet. Eum ego si te putem cupere esse, facile intelligo esse non posse. Nec ea dico, quae si dicam, tamen infirmare non possis: te, antequam de Siciliâ decesseris, in gratiam rediisse cum Verre: Potamonem, scribam et familiarem tuum, retentum esse à Verre in provinciâ, cum tu decederes: M. Caecilium, fratrem tuum, lectissimum atque ornatissimum adolescentem, non modo non adesse, neque tecum tuas injurias persecui, sed esse cum Verre, cum illo familiarissime, atque amicissime vivere. Sunt haec et alia in te falsi accusatoris signa permulta: quibus ego nunc non utor. Hoe dico, te, si maximè cupias, tamen verum accusatorem esse non posse. Video enim permulta esse crimina, quorum tibi societas cum Verre ejusmodi est, ut ea in accusando attingere non audeas.

X. Queritur Sicilia tota, C. Verrem ab aratoribus, cum frumentum sibi in cellam imperavisset, et cum esset tritici modius H. S. II. pro frumento in modios singulos duodenos sestertios exegisse. Magnum crimen! ingens pecunia! furtum impudens! injuria non ferenda! ego hoc uno crimine illum condemnem necesse est. Tu, Caecili, quid facies? Utrum hoc tantum crimen praetermittes, an objicies? Si objicies, idne alteri criminis dabis, quod eodem tempore in eadem provinciâ tu ipse fecisti? Audebis ita accusare alterum, ut quò minus tute condemnare, recusare non possis? Sin praetermittes, qualis erit ista tua accusatio, quae domestici periculi metu, certissimi, et maximi criminis non modo suspicionem, verum etiam mentionem ipsam pertimescat?

NOTES.

(14) *Asportare te velle ex Siciliâ literas suspicantur.*] When any person was admitted to act as an accuser, the praetor empowered him to seal up, and send to Rome, all papers that related to the impeachment. Now, as Caecilius's behaviour during his quaestorship was far from being blameless, and the eviden-

ces of Verres's guilt would serve likewise to expose his crooked arts; there was reason to suspect, that, instead of carrying these papers to Rome, he would contrive to destroy them, in order to prevent their being produced afterwards against himself.

call in question the life of another, who is unable to give a good account of his own. I will make no particular application of this to you. One thing I believe is taken notice of by all, that the Sicilians are the only people who have had an opportunity of knowing you: and yet these very Sicilians declare, that, exasperated as they are at the man to whom you pretend yourself an enemy, were you to be his accuser, not one of them would be present at the trial. The reasons of this refusal I am not willing to repeat. It is evident they suspect, what indeed they cannot avoid suspecting. As they are a shrewd suspicious set of men, they imagine you would not bring testimonies from Sicily against Verres; but, seeing the acts of his praetorship and your quaestorship are registered in the same journals, rather suspect you would secrete their records. An accuser ought likewise to be a man of firmness and veracity. Were I disposed to think well of your intentions this way, I easily perceive that no such qualifications can belong to you. Nor do I mention those circumstances, which, if mentioned, you could not disprove: that, before you left Sicily, you was reconciled to Verres: that Potamo, your secretary and confidant, remained with Verres in the province after your departure: that Marcus Caecilius, your brother, a most hopeful and accomplished youth, is not only not present, and not assisting in prosecuting your injuries, but is now actually with Verres, and lives there in the strictest friendship and familiarity. These, and many other presumptions of a suborned accuser, which I omit at present, are to be found in you. This, however, I maintain, that were your inclinations never so good, it is impossible you should acquit yourself honestly in the present trial. For I perceive a great many crimes, in which you are so much an accomplice with Verres, that you dare not touch upon them in the impeachment.

SECT. X. All Sicily complains that Verres, when he had ordered his magazines to be filled, and corn was at two sesterces a bushel, extorted money of the farmers at the rate of twelve. An enormous abuse! an exorbitant sum! a barefaced robbery! an insupportable injustice! This single crime, in my judgment, were sufficient to condemn him. But how do you intend to behave, Caecilius? Will you object, or pass over this crying injustice? If you object it, do you not charge another with a crime, of which you was yourself guilty at the same time, and in the same province? Will you venture to accuse another in such a manner as must needs draw the same *dégree* of guilt upon yourself? But if you pass it over, of what nature must that accusation be, which, from an apprehension of personal danger, dreads not only the suspicion, but the very

(15) Emptum est ex S. C. frumentum ab Siculis praetore Verre, pro quo frumento pecunia omnis soluta non est. Grave est hoc crimen in Verrem, grave, me agente: te accusante, nullum. Eras enim tu quaestor: pecuniam publicam tu tractabas: ex quâ, etiamsi cuperet praetor, tamen ne qua deductio fieret, magnâ ex parte tua potestas erat. Hujus quoque igitur criminis, te accusante, mentio nulla fiet. Silebitur toto judicio de maximis et notissimis illius furtis et injuriis. Mihi crede, Caecili, non potest in accusando socios verè defendere is, qui cum reo criminum societate conjunctus est. Mancipes à civitatibus pro frumento pecuniam exegérunt. Quid? hoc, Verre praetore, factum est solum? non: sed etiam, quaestore Caecilio. Quid igitur? daturus es huic criminis, quod et potuisti prohibere ne fieret, et debuisti? an totum id relinques? Ergo id omnino Verres in judicio suo non audiet, quod cùm faciebat, quemadmodum defensurus esset, non reperiebat.

XI. Atque ego haec, quae in medio posita sunt, commemoro. Sunt alia magis occulta furga, quae ille, ut istius, credo, animos, atque impetus retardaret, cum quaestore suo benignissime communicavit. Haec tu scis ad me esse delata: quae si velim proferre, facile omnes intelligent, vobis inter vos non modò voluntatem fuisse conjunctam, sed ne praedam quidem adhuc esse divisam. Quapropter si tibi indicium postulas dari, quod tecum una fecerit; concedo, si id lege permittitur: sin autem de accusatione dicimus; concedas oportet iis, qui nullo suo peccato impediuntur, quo minus alterius peccata demonstrare possint. Ac vide, quantum interfuturum sit inter meam atque tuam accusationem. Ego, etiam quae tu sine Verre commisisti, Verri criminis daturus sum, quod te non prohibuerit, cùm summam ipse haberet potestatem: tu contrà, ne quae ille quidem fecit objicies, ne quâ ex parte conjunctus cum eo reperiare. Quid illa, Caecili? contemnenda-ne tibi videntur esse, sine quibus causa sustineri, praesertim tanta, nullo modo potest? aliqua facultas agendi, aliqua dicensi consuetudo, aliqua in foro, iudiciis, legibus, aut ratio, aut exercitatio? Intelligo quam scopoloso, difficile in loco verser: nam cùm omnis arrogantia odiosa est, tum illa ingenii atque eloquentiae multò molestissima. Quamobrem nihil dico de meo ingenio, neque est quod possim dicere, neque si esset, dicerem;

NOTES.

(15) *Emptum est ex S. C. frumentum ab Siculis.*] Sicily paid to the Romans, by way of tribute, a tenth part of her corn. But as the island abounded in grain, and was in a manner the storehouse of Rome, they were likewise obliged, by a decree

of the Senate, to allow another tenth for the use of the state, for which they were to receive a fixed price. Verres, it seems, exacted this tenth; but, instead of paying for it as usual, converted the money to his own private use.

mention of a notorious and crying injustice? By a decree of the Senate, a quantity of corn was bought from the Sicilians, under the praetorship of Verres, for which complete payment was never made. This is a heavy article against Verres; heavy, if objected by me; but of no avail, if by you. For you was then quaestor; you had the management of the public money; and it depended in a great measure upon you to prevent any abatement, supposing even the praetor had desired it. This crime will likewise pass unmentioned in your accusation. His greatest and most notorious frauds and exactions will not be so much as objected to him in the trial. Believe me, Caecilius, he is ill qualified to defend the rights of the allies in an impeachment, who is himself an associate with the accused in his crimes. The farmers of the revenue extorted money from the cities, instead of corn. Was this done only during the praetorship of Verres? No; but also during the quaestorship of Caecilius. Will you then charge him with a crime which you both could and ought to have prevented? Or, will you entirely suppress this article? Verres will therefore hear no mention in his trial of a crime, which, at the time of committing it, he was conscious he could not defend,

SECT. XI. But I only speak of notorious and known facts. There are others of a more private nature, in which Verres kindly shared with his quaestor, to stifle his heat and resentment. You know I am informed of all these; and were I to disclose them at this time, it would appear that you are not only confederates in guilt, but that part of the plunder remains yet to be divided. If, therefore, you desire to be admitted an evidence as to these points, I have nothing to object, provided the laws allow it. But if the dispute regards the impeachment, you must leave that to those who are deterred by no crimes of their own, from laying open the guilt of another. Think only of the difference between your accusation and mine. I mean to charge Verres with the crimes committed by you, without his participation; because, though the chief command resided in him, he did not prevent them. You, on the contrary, will not so much as object his personal guilt, lest you should be found in any instance an accomplice with him. But say, Caecilius, do you make no account of these qualifications, without which a cause, especially one so important, cannot be sustained: the practice of the forum: the exercise of speaking: the knowledge of our laws, constitution, and courts of judicature? I know what a rugged and dangerous path I am got into; for as arrogance of every kind is hateful, so, in a particular manner, that of wit and eloquence. I shall therefore say nothing of my own talents: there is indeed no room for it;

aut enim id mihi satis est, quod est de me opinionis, quidquid est; aut si id parum est, ego majus id commemorando facere non possum.

XII. De te, Caecili, jam mehercule, hoc extra hanc contentiōnem certamenque nostrum familiariter tecum loquar. Tu ipse quemadmodum existimes, vide etiam atque etiam, et tu te collige, et qui sis, et quid facere possis considera. Putas-ne te posse de maximis, acerbissimisque rebus, cūm causam sociorum, fortunasque provinciae, jus populi Rom. gravitatem judicii legumque susceperis, tot res, tam graves, tam varias, voce, memoriā, consilio, ingenio, sustinere? Putas-ne te posse, quae C. Verres in quaesturā, quae in legatione, quae in praeturā, (16)quae Romae, quae in Italiā, quae in Achaiā, Asiā, Pamphyliāque patrārit, ea, quemadmodum locis temporibusque divisa sint, sic criminibus, et oratione distinguere? Putas-ne te posse, id quod in ejusmodi reo maximē necessarium est, facere, ut, quae ille libidinosē, quae nefariē, quae crudeliter fecerit, ea aequē acerba, et indigna videantur esse iis, qui audient, atque illis visa sunt, qui sensērunt? magna sunt ea, quae dico, mihi crede; noli haec contemnere: dicenda, demonstranda, explicanda sunt omnia: causa non solū exponenda, sed etiam graviter, copiosēque agenda est: perficiendum est, si quid agere aut perficere vis, ut homines te non solū audiant, verū etiam libenter studiosēque audiant. In quo si te multum natura adjuvaret, si optimis à pueritiā disciplinis atque artibus studuissest, et in his elaborāsses; si literas Graecas (17) Athenis, non Lilybaei; Latinas Romae, non in Siciliā didicissest: tamen esset magnum, tantam causam tam expectatam, et diligentia consequi, et memoriā complecti, et oratione exponere, et voce et viribus sustinere. Fortasse dices, Quid? ergo haec in te sunt omnia? Utinam quidem essent! verumtamen ut esse possent, magno studio mihi à pueritia est elaboratum. Quod si ego haec, propter magnitudinem rerum ac difficultatem, assequi non potui, qui in omni vitā nihil aliud egi; quām longè tu te ab his rebus abesse arbitrare, quas non modò anteā nunquam cogitāsti, sed ne nunc quidem, cūm in eas ingrederis, quae et quanta sint, suspicari potes?

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(16) *Quae Romae, quae in Italia, quae in Achaia, Asia, &c.*] Cicero refers here to the different offices through which Verres had passed, in all which his conduct had been infamous and corrupt. He was quaestor to Carbo in the consular province, and Dolabella's lieutenant in Asia. He had exercised the office of praetor at Rome and in Italy, and acted with a public character in Achaea, and the provinces of Asia Minor.

(17) *Athenis, non Lilybaei, Romae, non in Sicilia.*] Cicero here sneers at Caecilius, and insinuates that his education was at best but lame, as he had learned both Greek and Latin in Sicily, where neither language was spoken with purity. Athens was the most celebrated among the Greek cities, both for elegance of speech, and the perfection of the sciences; and Rome was the only place for studying with advantage the Latin tongue.

and if it was otherwise, I would yet choose to be silent. It is enough for me that I have a reputation, how slender soever it may be : or, if that suffices not, nothing I can say will serve to raise it.

SECT. XII. As for you, Caecilius, laying aside our present dispute and controversy, I will address you as a friend. Examine your own thoughts carefully ; recollect yourself ; consider who you are, and what you are capable of. Do you imagine, in a cause of so much weight and difficulty, where you will be called upon to support the interest of the allies, the safety of the province, the rights of the Roman people, and the majesty of the laws and legislature ; do you imagine, I say, that you have eloquence, memory, understanding, and capacity sufficient for the management of so many, so various, and such complicated points ? Do you imagine, when you come to lay open the abuses of Verres, in his quaestorship, in his praetorship, as lieutenant to Dolabella, at Rome, in Italy, in Achaia, Asia, and Pamphylia, that you will be able to describe and point them out in your impeachment, in like manner as they are distinguished as to time and place ? And, which is indispensably necessary in a prosecution of this kind, do you imagine yourself able to draw such a picture of the lust, cruelty, and wickedness of the criminal, that the very hearers shall feel the same resentment and indignation, as the persons who suffered under them ? Believe me, Sir, these are important points of which I speak, and such as I would by no means advise you to slight. Every circumstance must be laid down, proved, and explained. The charge must not only be opened, but set off with all the flow and dignity of eloquence. If you hope to succeed, it is not enough that you are barely heard ; you must make yourself be heard with pleasure and attention. Were you never so happy in the gifts of nature ; had you from your earliest youth been trained in all the liberal arts and sciences, and improved them by continual study ; had you learned Greek at Athens, instead of Lilybaeum ; Latin at Rome, instead of Sicily ; it would yet be a mighty acquisition, to master by your diligence a cause of so much weight and expectation, to comprehend it in your memory, explain it by your eloquence, and sustain it with all the advantages of action and utterance. Perhaps you will tell me, What ! do all these qualities then meet in you ? I wish indeed they did ! However, I have earnestly laboured from my childhood to attain them. But if I, who have employed my whole life in this pursuit, have not been able to succeed by reason of their weight and difficulty ; how very deficient must you be, who not only never thought of them before, but, now that you are engaged in them, cannot so much as comprehend their nature and importance ?

XIII. Ego, qui, sicut omnes sciunt, in foro judiciisque ita verser, ut ejusdem aetatis aut nemo, aut pauci, plureis causas defenderint, et qui omne tempus quod mihi ab amicorum negotiis datur, in his studiis laboribusque consumam, quo paratior ad usum forensem promptiorque esse possim: tamen, ita Deos mihi velim propitios, ut, cum illius diei mihi venit in mentem, quo die, cito reo, mihi dicendum sit, non solùm commoveor animo, sed etiam toto corpore perhorresco. Jam nunc mente, et cogitatione prospicio, quae tum studia hominum, qui concursus futuri sint, quantam expectationem magnitudo judicii sit allatura, quantam auditorum multitudinem C. Verris infamia concitatura, quantam denique audientiam orationi meae improbitas illius factura sit. Quae cum cogito, jam nunc timeo, quidnam pro offensione hominum, qui illi inimici, infensique sunt, et expectatione omnium, et magnitudine rerum dignum eloqui possim. Tu horum nihil metuis, nihil cogitas, nihil laboras: et si quid ex vetere aliqua oratione, (18) **JOVEM EGO OPTIMUM MAXIMUM;** aut, **VELLEM, SI FIERI POTUisset, JUDICES,** aut aliquid ejusmodi ediscere potueris, praeclarè te paratum in judicium venturum arbitraris. Ac si tibi nemo responsurus esset, tamen ipsam causam, ut ego arbitror, demonstrare non posses. Nunc ne illud quidem cogitas, tibi cum homine disertissimo, et ad dicendum paratissimo, futurum esse certamen, quicum modò dissenserendum, modò omni oratione pugnandum, certandumque sit? Cujus ego ingenium ita laudo, ut non pertimescam: ita probo, ut me ab eo delectari facilius, quam decipi posse.

XIV. Nunquam ille me opprimet consilio: nunquam ullo artificio pervertet: nunquam ingenio me suo labefactare, atque infirmare cohabitetur: novi omnis hominis petitiones, rationesque dicendi; saepè in iisdem, saepè in contrariis causis versati sumus. Ita contra me ille dicet, quamvis sit ingeniosus, ut nonnullum etiam de suo ingenio judicium fieri arbitretur. Te verò, Caecili, quemadmodum sit elusurus, quam omni ratione jactaturus, videre jam videor: quoties ille tibi potestatem optionemque facturus sit, ut eligas utrum velis factum esse, nec-ne; verum esse, an falsum: utrum dixeris, id contra te futurum. Qui tibi aestus, qui error, quæ tenebrae, Dii immortales, erunt, homini minime malo! (19) Quid,

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(18) *Jovem ego optimum maximum.*] Cicero in this passage ridicules Caecilius, whom he represents as a common-place orator, who thought he had acquitted himself well, if he made use of the phrases in répute among ordinary pleaders; with whom it was usual to begin their speech, either by invoking the gods:

Praefatus divos, solio rex infit ab alto.
Or, by reprehending the prevailing vices of the times :

Vellem cum primis fieri si fors potuisset.

(19) *Quid? cum accusationis tuae membra dividere cooperit.*] Cicero here carries his raillery against Caecilius so far, as even

SECT. XIII. Though, as all know, my practice in the Forum and public trials has been such, that few or none of the same age have been concerned in more causes; and though I have employed all the time I could spare from the business of my friends, in these studies and occupations, that I might be expert and ready at the practice of the bar, yet may I never enjoy the favour of Heaven, if, as often as I reflect upon the day when I must appear against the accused, I do not feel, not only a great anxiety upon my mind, but a trembling in every joint. Already I figure to myself the eagerness and curiosity of the public upon this occasion; what an expectation the importance of the trial will raise; what crowds of people the infamy of Verres will draw together; in fine, what an attention the detail of his villanies will beget to my discourse. All which when I reflect upon, I am under no small concern, how I shall acquit myself suitable to the importance of the trial, the expectations of the public, and the resentment of those whom he has irritated and provoked by his oppressions. You have no anxiety, apprehension, or trouble about these things; and if you but learn from some antiquated oration, *I call to witness the all-powerful Jupiter, or, My Lords, I could heartily wish,* or some such common-place phrase, you imagine you come abundantly prepared for the trial. It is my opinion, that if no one was to oppose you, you are yet incapable of making good the charge. But now you never so much as reflect, that you are to enter the lists with a man of consummate eloquence, and thoroughly prepared for his client's defence; one with whom you must argue, canvass, and settle every point; whose capacity I praise without dreading it; and whose eloquence, I allow, may charm me, but can never impose upon my judgment.

SECT. XIV. Never shall his measures disconcert, never his arts baffle me; nor will he even attempt to weaken and undermine me by his abilities. I know all his methods of attack, all the artifice of his pleading. We have often been concerned in the same, often in contrary causes. Great as his abilities are, he will yet oppose me in such manner, as to shew he is not without some dread of his adversary. But as for you, Caecilius, I already figure to myself, in what manner he will disconcert and perplex you. As often as he leaves to your choice, to admit or deny a fact, to agree to or reject a proposition, which side soever you take, you will still find it make against you. Immortal Gods! What confusion, what uncertainty, what darkness will the good

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to laugh at Hortensius, who numbered the heads of his defence upon his fingers: | A very shrewd, successful way of rendering a great man ridiculous.

cum accusationis tuae membra dividere coeperit, et in digitis suis singulas parteis causae constituere? quid, cum unumquodque transigere, expedire, absolvere? Ipse profectò metuere incipies, ne innocentii periculum facesscris. Quid, cum commiserari, conqueri, et ex illius invidiâ deonerare aliquid, et in te trajicere coepit? commemorare quaestoris cum praetore necessitudinem constitutam? morem majorum? sortis religionem? poteris-ne ejus orationis subire invidiam? Vide modo, etiam atque etiam considera; mihi enim videtur periculum fore, ne ille non modò verbis te obruat, sed gestu ipso, ac motu corporis praestringat aciem ingenii tui, teque ab institutis tuis, cogitationibusque abducatur. Atque hujusce rei judicium jam continuò video futurum. Si enim mihi hodie respondere ad haec, quae dico, potueris: si ab isto libro, quem tibi magister ludi, nescio quis, ex alienis orationibus compositum dedit, verbo uno discesseris: posse te, et illi quoque judicio non deesse, et causae atque officio tuo satisfacere arbitrabor. Sin mecum in hac prolusione nihil fueris; quem te in ipsâ pugnâ cum acerrimo adversario fore putemus?

XV. Esto: ipse nihil est, nihil potest: at venit paratus (20) cum subscriptoribus exercitatis et disertis. Est tamen hoc aliquid: tametsi non est satis. Omnibus enim rebus is, qui princeps in agendo est, ornatissimus et paratissimus esse debet. Verumtamen L. Apuleium esse video proximum subscriptorem, hominem non aetate, sed usu forensi, atque exercitatione tyronem. Deinde, ut opinor, habet Allienum: hunc tamen à subselliis: qui quid in dicendo posset, nunquam satis attendi: in clamando quidem video eum esse bene robustum, atque exercitatum. In hoc spes tuae sunt omnes: hic, si tu eris actor constitutus, totum judicium sustinebit. Ac ne is quidem tantum contendet in dicendo, quantum potest: sed consulet laudi et existimationi tuae, et ex eo quod ipse potest in dicendo, aliquantum remittet, ut tu tandem aliquid esse videare. Ut in actoribus Graecis fieri vides, saepè illum, qui est secundarum, aut tertiarum partium, cum

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(20) *Cum subscriptoribus exercitatis et disertis.*] The solicitors were those who assisted the accuser to manage the accusation; and none were allowed to take this office upon them, till they had received a power of so doing from the judges. Cicero here observes, that as they had only an under part to act, it was against the rules of propriety to see them surpass the principal manager of the trial; which yet must happen to Caecilius, whose abilities were no way equal to the task of conducting an impeachment.—Some of those solicitors are named and characterized here; as *Apuleius*, of whom

we have no accounts that can be relied on: only from Cicero's words we may conclude that he was both an old man and a bad orator. *Allienus*, another of the solicitors, is described as one concerned only in petty trials: for, according to Nonnius, the tribunes, the quaestors, and the inferior judges, sat on forms or *subsellia*, and not in the *sellae curiae*, or the Roman chairs of state. Cicero desires the judges to take notice, what kind of trial the present was like to prove, if left to the management of Caecilius; when even Allienus, a mere pettifogger, and distinguished only by

man fall into ! How will he be amazed, when his adversary begins to digest the different heads of the accusation, and arrange upon his fingers the several parts of the cause !—when he sets himself to examine, prove, and discuss every article ! You will even begin to suspect that you have brought an innocent man into danger. Say, when he shall endeavour to excite pity and compassion, and to throw some of the public odium from Verres upon you ; when he shall urge the sacred tie of quaestor and praetor ; the practice of our ancestors, and the awful decision of the provincial lot ; will you be able to bear the load of hatred his discourse must bring upon you ? Consider with yourself, reflect again and again ; for to me there seems great danger, not only of his disconcerting you with his pleading, but of his confounding your very senses with his action and gesture, and driving you from all your purposes and resolves. But I perceive we are soon to have a specimen of what may be expected from you.—For, if you answer to the purpose what I have advanced against you ; if you depart one word from that scroll of pilfered pleadings, which I know not what pedagogue has put into your hands ; I shall then allow, that you may acquit yourself well in the present trial, and be equal to the cause and province you have undertaken to manage. But if, in this prelude, you should prove nobody, what can we expect from you in the engagement itself against a formidable adversary ?

SECT. XV. But, perhaps I shall be told, Caecilius indeed is nothing ; can do nothing ; but he comes backed with able and expert solicitors. This, I own, is something ; yet it is far from being sufficient. For, in all affairs, he that holds the first rank ought to be every way ready and prepared. But I find Lucius Apuleius is his first solicitor, a man in years indeed, but a mere novice in the practice and business of the Forum. His next, I think, is Allienus, hitherto concerned only in petty trials ; and whose eloquence I am very little acquainted with. I perceive, indeed, that he is well trained and exercised in bawling. All your hopes rest upon him.—If the cause is committed to your management, he will sustain the whole weight of the prosecution. And yet he will not exert his utmost in pleading, but shew a proper regard to your character and reputation, and check in some degree the impetuosity of his eloquence, that you may have an opportunity of shining. As it often happens among the Greek actors, when a person appointed to play an inferior character,

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strength of lungs, would yet be necessitated to contract his talents, and check the sallies of his genius, in order that the other might preserve some character of distinction in the course of the pleadings.

possit aliquantò clariùs dicere, quām ipse primarum, multum summittere, ut ille princeps quām maxime excellat: sic faciet Allienus: tibi serviet, tibi lenocinabitur; minūs aliquantò contendet, quām potest. Jam hoc considerate, cujusmodi accusatores in tanto iudicio simus habituri: cūm et ipse Allienus ex eā facultate, si quam hābet, aliquantūm detractus sit, et Caecilius tum denique se aliquid futurum putet, si Allienus minūs vehemens fuerit, et sibi primas in dicendō parteis concesserit. Quartum quem sit habiturus, non video, nisi quem forte ex illo grege moratorum, qui subscriptionem sibi postulārunt, cuicunque vos delationem dedissetis. (21) Ex quibus alienissimis hominibus, ita paratus venis, ut tibi hospes aliquis sit recipiendus. Quibus ego non sum tantum honorem habiturus, ut ad ea quae dixerint, certo loco, aut singulatim unicuique respondeam. Sic breviter, quoniam non consultò, sed casu, in eorum mentionem incidi, quasi praeteriens, satisfaciam universis.

XVI. Tantâ-ne vobis inopiâ videor esse amicorum, ut mihi non ex his, quos mecum adduxerim, sed de populo subscriptor addatur? vobis autem tanta inopia reorum est, ut mihi causam praeipere conemini potius, quām aliquos (22) à columnâ Moenia vestri ordinis reos reperiatis? Custodem, inquit, Tullio me apponite. Quid? mihi quām multis custodibus opus erit, si te scemel ad meas capsas admisero? qui non solum nè quid enunties, sed etiam nè quid auferas, custodiendus sis. Sed de isto custode toto sic vobis brevissimè respondebo: non esse hos tales viros commissuros, ut ad causam tantam à me susceptam, mihi creditam, quisquam subscriptor, me invito, aspirare possit. Etenim fides mea custodem repudiat, diligentia speculatorum reformidat. Verum, ut ad te, Caecili, redeam, quam multa te deficiant, vides: quam multa sint in te, quae reus nocens in accusatore suo cupiat esse, profectò jam intelligis. Quid ad haec dici potest? non enim quaero quid tu dicturus sis. Video mihi non te, sed hunc librum esse responsurum, quem monitor tuus hic tenet: qui, si te rectè monere volet, suadēbit tibi, ut hinc discedas, nequē mihi

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(21) *Ex quibus alienissimis hominibus.* That is, men unacquainted with the business of the Forum, and strangers to the forms and management of a public trial. Our orator here plays a little with words, and puns upon the name of *Allienus*, i. e. *strange*; which he insinuates expresses the real character of the man, who was indeed a stranger to the business of impeachments. This art of amusing a bench, low and trivial as it may appear, seems to have been much in use at Rome, and was often very successful.

(22) *A columna Moenia.*] The Moenian column stood in the Forum, and was so called from one Moenius, who, having sold his house to Flaccus and Cato the censors, whose design was to build a temple there, reserved one pillar for himself and his posterity, as a place whence they might behold the public shews. At this pillar, thieves, or servants who had been guilty of some fault, were punished by the *Triumviri*. At it impeachments were laid against the less notorious offenders; and it was frequented by the

though capable of eclipsing him that has the first, chuses yet to conceal his art, that the principal parts may appear with all possible advantage. Such will be the conduct of Allienus. He will study to act only an under-part in this affair; he will endeavour to set you off to advantage; and, to that end, will abate a little of his wonted force. Consider then, my Lords, what prosecutors we are like to have in this important trial, where even Allienus will suppress some part of his eloquence, if, in truth, we can allow him any; and where Caecilius can only hope to make a figure, if Allienus abates of his usual vehemence, and leaves the principal part to him. Who is to act as fourth solicitor I cannot tell, unless perhaps some one of those common retainers to causes, who watch for employment under the prosecutor, to whomsoever that part is adjudged. And yet with the aid of these men, strangers as they are to the business of the Forum, you think yourself abundantly prepared to entertain the public. But I shall not honour them so far, as to answer them singly and by turns.—This slight notice, as I mentioned them by accident, not design, shall suffice for them all.

SECR. XVI. Am I so very destitute, do you imagine, of friends, as to be obliged to take a solicitor, not from among those who now attend me, but from the dregs of the people? And are you in such want of clients, as rather to aim at wresting this cause out of my hands, than enquire after some criminal of your own rank from the Menian column? Appoint me, says he, a spy upon Tully. A spy, indeed! How many must I keep in pay, were you to have access to my cabinet! Since not your tongue only, but your fingers too require to be watched. But, as to this whole race of spies, I will thus answer you in short:—that such men as this court is composed of will never suffer any solicitor to aspire at employment under me against my inclination, in a cause of so great importance, undertaken by, and entrusted to me. For my honesty despairs a spy, and my diligence daunts an informer. But to return to you, Caecilius; you see how many are your defects; you must surely, by this time, be sensible how many reasons the criminal has to wish you for an accuser. What answer can be made to this? I ask not what answer you can make; for I see it is not from you, but from the book which your prompter holds, that we are to expect an answer. But if it prompts you right, it will advise you to leave this place,

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most profligate and abandoned set of wretches.

(Ibid.) *Custodem, inquit, Tullio me apponite.*] It was customary among the Ro-

mans to set spies upon the accusers, that so they might not have an opportunity of being corrupted or bribed. Of these spies the accused had the nomination.

verbum ullum respondeas. Quid enim dices? An id quod dictitas, injuriam tibi fecisse Verrem? Arbitror; neque enim esset verisimile, cum omnibus Siculis faceret injurias, te illi unum eximium, cui consuleret, fuisse. Sed caeteri Siculi ultorem suarum injuriarum invenerunt: tu, tum tuas injurias per te, id quod non potes, persecuti conaris, id agis, ut caeterorum quoque injuriae sint impunitae, atque inultae: et hoc te praeterit, non id solum spectari solere, qui debeat, sed etiam illud, qui possit ulcisci; in quo utrumque sit, eum superiorem esse: in quo alterum, in eo non quid is velit, sed quid facere possit, quaeri solere. Quòd si ei potissimum censes permitti oportere accusandi potestatem, cui maximam C. Verres injuriam fecerit: utrum tandem censes hos Judices gravius ferre oportere, te ab illo esse laesum, an provinciam Siciliam esse vexatam, ac perditam? Opinor, concedis, multo hoc esse gravius, et ab omnibus ferri gravius oportere. Concede igitur, ut tibi anteponatur in accusando provincia; nam provincia accusat, cum is agit causam, quem sibi illa defensorem sui juris, ultorem injuriarum, actorem causae totius adoptavit.

XVII. At eam tibi C. Verres fecit injuriam, quae caeterorum quoque animos posset alieno incommodo commovere. Minime; nam id quoque ad rem pertinere arbitror, qualis injuria dicatur; quae causa inimicitiarum proferatur. Cognoscite ex me: nam iste eam profectò, nisi planè nihil sapit, nunquam proferet. Agonis est quaedam, Lilybaetana, (23)liberta Veneris Erycinae: quae mulier ante hunc quaestorem copiosa planè et locuples fuit. Ab hâc (24)praefectus Antonii quidam symphoniacos servos abducebat per injuriam, quibus se in classe uti velle dicebat. Tum illa, ut mos in Siciliâ est omnium Venereorum, et eorum qui à Venere se liberaverunt, ut praefecto illi religionem Veneris, non menque objiceret, dixit, et se, et omnia sua Veneris esse. Ubi haec quaestori Caecilio, viro optimo, et homini aequissimo, nunciatum est; vocari ad se Agonidem jubet: judicium dat statim; SI PARERET, eam se, et sua Veneris esse dixisse. Judicant recuperatores id, quod necesse erat; neque enim erat cuiquam du-

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(23) *Liberta Veneris Erycinae.*] This Agonis is no where mentioned in history, except in the passage now before us. She is said to be enfranchised from the service of Venus, because she had completed the legal term of her priesthood, and was therefore absolved from the obligation of any farther attendance upon the goddess. Venus Erycina was so called, from Eryx, a high mountain in Sicily, where she had a very rich and celebrated temple.

(24) *Praefectus Antonii quidam symphoniacos servos abducebat per injuriam, quibus se in classe uti velle dicebat.*] The

Antony here spoken of, before the war with the pirates was appointed to protect the whole maritime coasts of the Roman empire. But as he was a man of profligate character, and had a set of officers under him of the same stamp, he unjustly attacked the Cretans, and by his ill management perished in the attempt. The pretence here used for seizing the music-servants, was owing to the custom of exercising the rowers by the sound of instruments, which were made use of by the ancients on board their fleets, pretty much as the drum is now-a-days in military discipline.

without offering at one word of reply. For what can you allege? Will you fly to the old pretence, that Verres has injured you? I am ready to grant he did; for it is by no means likely, when his injuries extended to the whole people of Sicily, that you alone should be exempted on this occasion. But the rest of the Sicilians have found an avenger of their wrongs: you, while you endeavour to prosecute your own injuries, for which you are no way qualified, are like to be the cause that those also of others should pass unpunished and unrevenged: for you ought to consider, that not the right only, but the power also of punishing, demands our regard in a case of this nature. When both these meet in one person, he doubtless is to be preferred; but where only one of them is found, the choice naturally falls on him who has the most power, not who has the best will. But if you are of opinion, that the right of accusation belongs to him who has received the greatest injury, which do you think ought to weigh most with the judges, the wrongs done to you, or the ravages and depredations of a whole province? I believe you will allow that these last are far more crying and obnoxious. Yield then the preference, in this point, to the province. For the province then accuses, when the management of the cause is committed to him, whom they have chosen as the patron of their rights, the avenger of their wrongs, and their advocate for redress of grievances.

SECT. XVII. But you will tell me, perhaps, that the injury you have received from Verres is of such a nature, as cannot fail to rouse resentment even in the breasts of others. This I deny; and indeed think it very material to the question in hand, what the nature of the injury is, and what first gave rise to the quarrel. Learn it then of me, my Lords: For he sure will never disclose it, unless he is quite bereft of understanding. There was at Lilybaeum a lady named Agonis, emancipated from the service of Venus Erycina, and before this man's quaestorship in easy and plentiful circumstances. One of Antony's lieutenants violently carried off some music-servants of her's, under the pretence that they were wanted for the fleet. The lady, as is usual in Sicily to all who are or have been in the service of Venus, that she might awe the captain by the name and authority of the goddess, told him, that herself and estate were the property of Venus. When this came to the knowledge of the upright and worthy quaestor, he ordered Agonis to be cited before him, and instantly appointed commissioners, to try, whether she had affirmed, that herself and estate belonged to Venus. The commissioners, as was unavoidable, gave their verdict that she had: For nobody pretended to dispute the fact. The quaestor upon this takes pos-

bium, quin illa dixisset. Iste in possessionem bonorum mulieris mittit; ipsam Veneri in servitatem adjudicat: deinde bona vendit, pecuniam redigit. Ita, dum pauca mancipia, Veneris nomine, Agonis, ac religione retinere vult, fortunas omneis, libertatemque suam istius injuriâ perdidit. Lilybaeum Verres venit posteâ: rem cognoscit: factum improbat: cogit quaestorem suum pecuniam, quam ex Agonidis bonis redegisset, eam mulieri omnem annumerare, et reddere. Est adhuc, id quod vos omneis admirari video, (25) non Verres, sed Q. Mucius; quid enim facere potuit elegantius ad hominum existimationem? aequius ad levandam mulieris calamitatem? vehementius ad quaestoris libidinem coercendam? Summè haec omnia mihi videntur esse laudanda. Sed repente è vestigio ex homine, (26) tanquam aliquo Circeo poculo, factus est Verres: redit ad se, atque ad mores suos: nam ex illâ pecuniâ magnam partem ad se vertit, mulieri reddidit quantum visum est.

XVIII. Hic tu, si laesum te à Verre esse dices; patiar, et concedam: si injuriam tibi factam quereris, defendam et negabo. Deinde de injuriâ, quae tibi facta sit, neminem nostrum gravorem vindicem esse oportet, quam te ipsum, cui facta dicitur. Si tu cum illo posteâ in gratiam rediisti, si domi illius aliquoties fuisti, si ille apud te posteâ coenavit, utrum te (27) perfidiosum, an praevaricatorem existimari mavis? Video esse necesse alterutrum. Sed ego tecum in eo non pugnabo, quo minus, utrum ve- lis, eligas. Quid, si ne injuriae quidem, quae tibi ab illo facta sit, causa remanet? Quid habes, quod possis dicere, quamobrem non modò mihi, sed cuiquam anteponare? nisi fortè illud; quod dicturum te esse audio, quaestorem illius fuisse. Quae causa gra- vis esset, si certares mecum, uter nostrum illi amicior esse debe- ret. In contentione suscipiendarum inimicitarum, ridiculum est, putare causam necessitudinis ad inferendum periculum jus- tam videri oportere. Etenim, si plurimas à tuo praetore injurias accepisses; tamen eas ferendo majorem laudem, quam ulciscen- do, mererere. Cùm verò nullum illius in vita rectius factum sit, quam id quod tu injuriam appellas; hi statuent hanc causam, quam nè in alio quidem probarent, in te, justam ad necessitudi-

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(25) *Non Verres, sed Q. Mucius.*] He means that the praetor acted so far, not like Verres, an unjust magistrate, but with the same integrity that Mucius would have done. This Q. Mucius, sur- named Scaevola, was a man of untainted honour, and known goodness; who, for the space of nine months, governed Asia

so much to the satisfaction of the inhabi- tants, that they kept a day in honour of him, which they called *dies Mucia*.

(26) *Tanquam aliquo Circeo poculo, factus est Verres.*] Cicero here alludes to the famed story of Circe's cup, which her guests had no sooner drunk, than she touched them with her rod, and by that means changed them into swine. The praetor's name gave occasion to this piece

session of her fortune, adjudges her the slave of Venus, sells her estate, and puts the money into his pocket. Thus Agonis, in endeavouring to preserve a few slaves under the sanction and authority of Venus, was stripped of all her fortunes and liberty by the injustice of this man. Some time after, Verres comes to Lilybaeum, takes cognizance of the fact, reverses the decree, and obliges his quaestor to refund to the lady all the money that had arisen from the sale of her estate. Hitherto I perceive indeed, to your surprise, he is not Verres, but Q. Mucius. For, what could he do more lovely in the eyes of mankind, more equitable for the relief of the distressed lady, or more vigorous to check the avarice of his quaestor? These, to me, seem all highly worthy of praise. But immediately on the spot, as if he had tasted some enchanted cup, he sinks from Mucius into Verres. He returns to himself and his natural disposition. For he converted the greatest part of the money to his own use, and restored to the lady what little he thought proper.

SECT. XVIII. Here, if you say that you suffered by Verres, I admit and own it; but if you complain that you was injured by him, I dispute and deny it. Besides, it does not belong to any of us to be more keen in prosecuting the injury than yourself, who were the person affected by it. If you was afterwards reconciled to him; if you sometimes supped with him, and he with you; whether do you choose to be thought treacherous or a dissembler? One of them you must be. I shall not dispute about the matter, but leave it to your own choice. But if the very cause of the injury which you pretend to have received, no longer subsists, what reasons can you offer, not only why you should be preferred to me, but to any person whatsoever? unless perhaps, as I hear you are resolved to do, that you was his quaestor. This indeed would be a good plea, were the contest, who should befriend him most. But in a dispute that regards the right of prosecution, it is ridiculous to imagine, that so intimate a tie should be a sufficient reason for your appearing against him. Had you even received many injuries from your praetor. it would yet do you more honour to submit, than to revenge them. But when what you term an injury was one of the most meritorious actions of his whole life, shall what would not be allowed even in an indifferent person, be esteemed a

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of low wit in the orator: Verres, in Latin, signifying an uncastrated hog.

(27) *Perfidiosum, an praevericatoarem.* *Perfidiosus*, signifies one who pretends to be a friend, when he is indeed an enemy, If therefore Caecilius be such a one, no trust nor confidence can be reposed in

him. *Praevericator* is a man who affects the character of an enemy, when in reality he is a true friend. If this be the case with Caecilius, he is by no means a proper person to have the management of the present cause.

nem violandam videri? qui si summam injuriam ab illo accepisti, tamen, quoniam quaestor ejus fuisti, non potes cum sine ulla vituperatione accusare; si verò nulla tibi facta est injuria, sine scelere cum accusare non potes. Quare cùm incertum sit de injuriâ, quemquam esse horum putas, qui non malit, te sine vituperatione, quām cùm scelere, discedere?

XIX. At vide quid differat inter meam opinionem ac tuam. Tu, cùm omnibus rebus inferior sis, hâc unâ in re te mihi anteferri putas oportere, quòd quaestor illius fueris: ego, si superior caeteris rebus essem, hanc unam ob causam te accusatorem repudiari putarem oportere. Sic enim à majoribus nostris accepimus, praetorem quaestori suo parentis loco esse oportere: nullam neque justiorem, neque graviorem causam necessitudinis posse reperiri, quām conjunctionem sortis, quām provinciae, quām officii, quām publicam muneris societatem. Quamobrem, si jure eum possis accusare, tamen, cùm is tibi parentis numero fuisse, id piè facere non posses: cùm verò neque injuriam acceperis, et praetori tuo periculum crees, fatearis necesse est, te illi injustum impiumque bellum inferre conari. Etenim ista quaestura ad eam rem valet, ut elaborandum tibi in ratione reddenda sit, quamobrem eum, cui quaestor fueris, accuses: non, ut ob eam ipsam causam postulandum sit, ut tibi potissimum accusatio detur. Neque ferè unquam venit in contentionem de accusando, qui quaestor fuisse, quin repudiaretur. (28) Itaque neque L. Philoni in C. Serviliū nominis deferendi potestas est data, neque M. Aurelio Scauro in L. Flaccum, neque Cn. Pompeio in T. Albucium: quorum nemo propter indignitatem repudiatus est: sed ne libido violandae necessitudinis auctoritate judicunt comprobaretur. Atque ille Cn. Pompeius ita cum C. Julio contendit, ut tu mecum. Quaestor enim Albucii fuerat, ut tu Verris. Julius hoc secum auctoritatis ad accusandum afferebat, quòd, ut hoc tempore nos ab Siculis, sic tum ille ab Sardis rogatus, ad causam accesserat. Semper haec causa plurimum valuit: semper haec ratio accusandi fuit honestissima, pro sociis, pro salute provinciae,

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(28) *Itaque neque L. Philoni in C. Serviliū.*] The examples here produced are all of quaestors, who, offering to impeach the magistrates under whom they had served, were refused permission by the people, to whom it seemed a bad precedent. Cicero urges them as an argument against Caecilius's suit, and it must be owned they form a very strong one.—Philo was of the Plebeian branch of the Veturian family, and quaestor to Servilius Glaucio, the same who perished with the seditious tribune Apuleius.

M. Aurelius Scaurus.] He was a man of great influence in the senate, and had a mighty ascendant over the spirit of Marius, when he determined to attack Servilius, in the sedition before mentioned.

Cn. Pompeius.] He means Pompeius Strabo, the father of Pompey the Great, who brought an accusation against T. Albucius, praetor of Sardinia. This last example quadrates exactly with the case of Cicero and Caecilius. For Strabo, Albucius's quaestor, endeavoured to wrest the impeachment out of the hands of Ju-

just ground for your violating the relation of quaestor? Had he injured you in the highest degree, yet to accuse the man under whom you was quaestor, would draw after it some censure. But, if he never really wronged you, it were even criminal to accuse him. Since then the injury is by no means evident, can you expect that the judges will not rather you should depart without blame, than with infamy?

SECT. XIX. Observe only the difference between your way of thinking and mine. You, though inferior in all respects, imagine you ought to have the preference, merely on the score of being his quaestor. I, on the contrary, were you superior in every other qualification, should yet look upon this single circumstance as a sufficient reason for setting you aside. For it is a doctrine transmitted to us from our ancestors, that the praetor is in place of a parent to his quaestor; that no tie can be more sacred and binding than an union founded upon an allotment of the same province, than a conjunction of office, and the common discharge of a public trust. Should therefore the law admit of your commencing accuser, yet, as he has been to you in place of a parent, you cannot act such a part consistent with piety. But as he never offered you any real injury, and you yet threaten your praetor with a prosecution, you must own yourself liable to the charge of a criminal and unjust attack. For the nature of the quaestorship is such, as to require your giving a reason, why you, who filled that office under him, should undertake to become his accuser, but can never be urged as an argument for your having the preference in this trial. Nay, there is hardly an instance of a dispute of this kind, in which the quaestor was not rejected. Accordingly we find, that neither was Lucius Philo admitted to plead against Caius Servilius, nor Marcus Aurelius Scaurus against Lucius Flaccus, nor Cneius Pompey against Titus Albucius: Not that they were excluded on account of insufficiency, but to avoid countenancing, by the authority of the judges, the wanton dissolution of a sacred tie. Yet the dispute between Cneius Pompey and Caius Julius was the very same as that between you and me. Pompey had been quaestor to Albucius, as you to Verres. Julius, on the other hand, had this plea, that he was solicited to undertake the impeachment by the Sardinians, in like manner as I now am by the Sicilians. This consideration has always had the greatest weight; it has ever been esteemed an unexceptionable argument in favour of an accuser, when, for the interest of the allies, the safety of a province, and the benefit of foreign na-

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Iulus, who had been solicited by the Sardinians to undertake their cause, in like manner as Cicero was by the Sicilians.

pro exterarum nationum commodis inimicitias suspicere, ad periculum accedere, operam, studium, laborem interponere.

XX. Etenim si probabilis est eorum causa, qui injurias suas persecui volunt, qua in re dolori suo, non reipub. commodis servient: quantò illa causa honestior, quae non solùm probabilis videri, sed etiam grata esse debet, nullâ privatim acceptâ injuriâ, sociorum atque amicorum populi Romani dolore atque injuriis commoveri? Nuper, cùm in P. Gabinium (29) vir fortissimus et innocentissimus L. Piso delationem nominis postularet, et contrâ Q. Caecilius peteret, isque se veteres inimicitias jamdiu susceptas persecui diceret; cùm auctoritas et dignitas Pisonis valebat plurimùm, tum illa erat causa justissima, quòd eum sibi Achaei patronum adoptârant. Etenim, cùm lex ipsa de pecuniis repetundis, sociorum atque amicorum populi Romani causâ, comparata sit; iniquum est, non eum legis judiciique actorem idoneum maximè putari, quem actorem causae suae socii, defensoremque fortunarum suarum potissimum esse voluerunt. An, quod ad commemorandum est honestius, id ad probandum non multò videri debet aequius? Utra igitur est splendidior, utra illustrior, commemoratio? Accusavi eum, quicum quaestor fueram; quicum me sors, consuetudoque majorum, quicum me Deorum hominumque judicium conjunxerat. An, accusavi rogatu sociorum, atque amicorum? delectus sum ab universâ provinciâ, qui ejus jura, fortunasque defendarem. Dubitare quisquam potest, quin honestius sit, eorum causâ, apud quos quaestor fueris, quam eum, cuius quaestor fueris, accusare? Clarissimi viri nostrae civitatis, temporibus optimis, hoc sibi amplissimum pulcherri- mumque ducebant, ad hospitibus clientibusque suis, ab exteris nationibus, quae in amicitiam populi Rom. ditionemque essent, injurias propulsare, eorumque fortunas defendere. (30) M. Catonem illum sapientem, clarissimum virum, et prudentissimum, cum multis graveis inimicitias gessisse accepimus, propter Hispanorum, apud quos consul fuerat, injurias. Nuper (31) Cn.

NOTES.

(29) *Vir fortissimus et innocentissimus L. Piso.*] The Lucius Piso here mentioned was by profession a lawyer, and, when tribune of the people, enacted a law against extortion. He impeached Publius Gabinius for mal-administration in the government of Asia; and being opposed by Quintus Caecilius, carried it against him, because it appeared that the Achaeans themselves had applied to him to undertake their cause. It will be necessary to inform the reader, that the Quintus Caecilius here spoken of is not the same with him who sought a right of accusing Ver-

res; and that though the Greeks in general were called *Achaeans*, yet the word here is only taken for the inhabitants of Pontus, who accused Gabinius of extortion.

(30) *M. Catonem illum sapientem.*] Caton accused Sergius Galba, for plundering the inhabitants of Lusitania, one of the three provinces into which ancient Spain was divided. He likewise, at the instance of the same people, accused Publius Furius, for setting an immoderate price upon corn. By these accusations he procured himself a great many enemies.

tions, he has not scrupled to create himself enemies, to expose himself to dangers, and to interpose with all his abilities, zeal, and application.

SECT. XX. And, in truth, if it be justifiable in a man to prosecute another for private injuries, to which he is only prompted by his personal sufferings, not by any concern for the welfare of the state; how much more noble must it appear, and not only justifiable, but even meritorious, where no private injuries have been received, to be roused by the wrongs and sufferings of the allies and friends of the Roman people? Lately, when Lucius Piso, a man of the greatest courage and integrity, impeached Publius Gabinius, and Quintius Caecilius endeavoured to wrest the cause from him, under pretence of prosecuting an old injury; though the reputation and merit of Piso had great weight with the judges, yet the most decisive circumstance in his favour was, that the Achaeans had adopted him their patron. For, since the law relating to extortion was made in favour of the allies and friends of the people of Rome, it is unreasonable not to suppose him the fittest prosecutor in an impeachment founded on that law, whom those very allies have chosen before all others, for the management of their cause, and the defence of their fortunes. Has not that which carries the most fair and honourable appearance, the justest title to our approbation? Now which of these declarations is the most illustrious and praiseworthy? I accuse him to whom I was quaestor; him with whom I was connected by lot, by the customs of our ancestors, and the decree of Gods and men: or, I accuse at the request of the allies and friends of the people of Rome: I am chosen by the whole province to defend and maintain their rights. Can any one entertain a doubt, whether it be not more honourable to accuse in favour of those among whom you was quaestor, than to accuse a man whose quaestor you was? The most illustrious men, in the best times of the commonwealth, have always considered it as their greatest and noblest commendation, to redress the wrongs and defend the properties of strangers, of their own clients, and of foreign nations, the allies and tributaries of Rome. It is recorded of Marcus Cato, so distinguished by his wisdom, reputation, and prudence, that he drew upon himself the powerful enmity of many, on account of the injuries done to the Spaniards, amongst whom he had been, while consul. We all

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(31) *Cn. Domitium M. Silano diem dixisse.*] This Domitius accused M. Silenus, a man of consular dignity, on account of some injuries he had done to one Egri-tomarus; of whom we have no other account, than what Cicero gives us in this

passage. We are to take notice here of the difference between *diem dicere*, and *accusare*. The former was used in respect of magistrates and persons in public office, the latter was appropriated to the impeachments brought by private men.

Domitium scimus M. Silano diem dixisse propter unius hominis Egritomari, paterni amici atque hospitis, injurias.

XXI. Neque enim magis animos hominum nocentium res unquam ulla commovit, quam haec majorum consuetudo, longo intervallo repetita atque relata; sacerorum querimoniac delatae ad hominem non inertissimum, susceptae ab eo, qui videbatur eorum fortunas fide, diligentiaque suâ posse defendere. Hoc timent homines: hoc laborant: hoc institui, atque adeò institutum referri, ac renovari molestè ferunt: putant fore, uti, si paullatim haec consuetudo serpere, ac prodire cooperit, per homines honestissimos, virosque fortissimos, non imperitos adolescentulos, aut illitusmodi quadruplatores, leges, judiciaque administrentur. Cujus consuetudinis atque instituti patres maioresque nostros non poenitebat tum, cum (32) P. Lentulus, is, qui princeps senatus fuit, accusabat M. Aquilium, subscriptore C. Rutilio Rufo; aut cum (33) P. Africanus, homo virtute, fortunâ, gloriâ, rebus gestis amplissimus, posteaquam bis consul et censor fuerat, L. Cottani in judicium vocabat. Jure tum florebat populi Romani nomen: jure auctoritas hujus imperii civitatisque majestas, gravis habebatur. Nemo mirabatur in Africano illo, quod in me nunc, homine parvis opibus ac facultatibus praedito, simulant sese mirari, cum molestè ferant. (34) Quid sibi iste vult? accusatoremne se existimari, qui anteâ defendere consueverat? nunc praesertim, eâ jam aetate, cum aedilitatem petat? Ego verò, aetatis non modò mæce, sed multò etiam superioris, et honoris amplissimi puto esse, et accusare improbos, et miseros calamitosque defendere. Et profectò aut hoc remedium est aegrotae, ac propè desperatae reipub. judiciisque corruptis, ac contaminatis paucorum vitio ac turpitudine, homines ad legum defensionem, judiciorumque auctoritatem, quam honestissimos et integerrimos

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(32) *P. Lentulus, princeps senatus, accusabat M. Aquilium.*] This Lentulus was the father of Lentulus Sura, who was strangled in prison, for being embarked in the conspiracy of Catiline. The dignity of *princeps of the senate*, with which the orator here informs us he was invested, entitled him to the privilege of giving his opinion first in all debates. He was commonly the oldest member in the senate, whose name appeared first upon the roll, and enjoyed this honour during life. M. Aquilius here mentioned, was accused by Lentulus of extortion, and defended by Antony, who drew aside his garment, and shewed the scars of those wounds he had received for the republic, in the war with the slaves in Sicily.

(33) *P. Africanus L. Cottam in judicium vocabat.*] L. Cotta was accused by P. Africanus, after he had been twice consul and censor. He was defended by Q. Metellus Macedonicus; and, as Cicero informs us in his oration for Murena, was acquitted by the people, not so much on account of his innocence, as that he might not seem to have fallen a victim to the power and credit of his adversary.

(34) *Quid sibi iste vult.*] The question relating to the accuser of Verres was of more importance than at first sight it may seem. Had it only regarded the point of preference between Cicero and Caecilius, it would have been no hard matter to determine it. But the great men at Rome were for discouraging accusations for mal-

know that Cneius Domitius lately impeached Marcus Silanus, for the wrongs offered to a single person, Egritomarus by name, the friend and host of his father.

SECT. XXI. Nor indeed has any thing of late so much alarmed the minds of guilty men, as this custom of our ancestors, repeated and renewed after a long discontinuance. To see the complaints of our allies laid before a man of activity, and their cause undertaken by one likely to defend their interests with integrity and spirit, fills them with dread and terror. They are sorry that such a custom should ever have taken place, but still more so, that it is revived and repeated. They begin to apprehend, that, should the practice insinuate and gain ground, the administration of law and justice must pass through the hands of men of integrity and courage, not of beardless boys, and a rabble of mercenary pleaders. Our fathers and forefathers were not ashamed of this institution, when Publius Lentulus, prince of the senate, with Caius Rutilius Rufus for his solicitor, accused Marcus Aquilius; or when Publius Africanus, a man eminently distinguished by his virtue, fortune, reputation, and military exploits, after he had been twice consul and censor, impeached Lucius Cotta. The Roman name was then deservedly famous: the dignity of this empire, and the majesty of the republic, were justly held in veneration. No one wondered at that in the great Africanus, which they who are dissatisfied with this proceeding, affect now to treat with surprise in me, a man so much beneath him in rank and fortune. What does he mean? say they. The man who has hitherto been accustomed to defend, would he now pass for an accuser, especially at an age when he is suing for the aedileship? But I think it an honour not only at my time of life, but even at a much more advanced age, to accuse the wicked, and defend the wretched and miserable. And, indeed, either it is a remedy for a languishing and almost incurable administration, groaning under the corruption and vices of few, that men of integrity, honour and application, should take upon them the

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administration in the government of provinces, as being almost all involved in the same guilt. To this end they used their utmost endeavours to hinder impeachments from falling into the hands of able and faithful men, as hoping by this means to render them ineffectual, and bring them into discredit and contempt. This was the real difficulty Cicero had to encounter, of which he fails not to give frequent hints in this speech. His adversaries however gave the matter a different turn, affecting to wonder, that one who had hitherto employed himself only in

defending causes, should turn accuser, and thereby draw upon himself many powerful enemies; especially at a time when he was running the career of public honours, having discharged the office of quaestor, and preparing now to sue for the aedileship. But Cicero despised these insinuations, as knowing that he could not more effectually recommend himself to the favour of the better sort of the Roman people, than by a candid, faithful, and diligent behaviour, in the course of the prosecution he had undertaken to manage.

diligentissimosque accedere: aut, si ne hoc quidem prodesse poterit, profectò nulla unquam n̄ medicina his tot incommodis reperietur. Nulla salus reipubl. major est, quàm eos, qui alterum accusant, non minùs de laude, de honore, de famâ suâ, quàm illos, qui accusantur, de capite, ac fortunis suis pertimescere. Itaque semper ii diligentissimè laboriosissimèque accusârunt, qui se ipsos in discrimen existimationis venire arbitrati sunt.

XXII. Quamobrem hoc statuere, Judices, debetis, Q. Caeciliūm, de quo nulla unquam opinio fuerit, nullaque in hoc ipso judicio exspectatio futura sit, qui neque ut ante collectam famam conservet, neque ut̄ reliqui temporis spem confirmet, laborat; non nimis hanc causam severè, non nimis accuratè, non nimis diligenter acturum. Habet enim nihil, quod in offensione desperdat: ut turpissimè flagitiosissimèque discedat, nihil (35) de suis veteribus ornamentiſ requiret. A nobis multos obsides habet populus Rom. quos ut incolumes conservare, tueri, confirmare, ac recuperare possimus, omni ratione erit dimicandum; habet honorem, quem petimus: habet spem, quam propositam nobis habemus: habet existimationem, multo sudore, labore, vigiliisque collectam: ut, si in hâc causâ nostrum officium, ac diligentiam probaverimus, haec, quae dixi, retinere per pop. Rom. incolumia ac salva possimus: si tantulum offensum, titubatumque sit, ut ea, quae singulatim, ac diu collecta sunt, uno tempore universa perdamus. Quapropter, Judices, vestrum est diligere, quem existimetis facillimè posse magnitudinem causae ac judicii sustinere fide, diligentiā, consilio, auctoritate. Vos si mihi Q. Caeciliūm anteposueritis, ego me dignitate superatum non arbitrabor: populus Romanus ne tam honestam, tam severam, diligentemque accusationem, neque vobis placuisse, neque ordini vestro placere arbitretur, providete.

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(35) *De suis ornamentiſ requiret.*] *Requiret*, i. e. *amissum sentiet*. He can suffer no detriment by betraying the cause, because he has nothing to lose. Cicero uses this as an argument against Caecilius, and in his own favour. There were no sufficient ties upon Caecilius, to bind him to fidelity and diligence; whereas, the Romans had many pledges of Cicero: the honour of the aedileship, for which he had declared himself a candidate; the hope of the praetorship and consulate, to which

he had the ambition to aspire; the reputation he had already acquired, and the growing expectation of the public in his favour. All these were powerful motives, and could not fail to animate him with uncommon industry and zeal, as he was sensible that the least slip would endanger the loss of all he had already acquired, and destroy his expectations for the future. The argument, it must be owned, is strong and conclusive.

defence of the laws, and the revival of public justice; or, if even this be found ineffectual, it is in vain any longer to hope for redress. Nothing tends more to the preservation of a state, than for an accuser to be no less tender of his reputation, honour and fame, than the accused is solicitous about his life and fortunes. Accordingly we find, that such as were the most jealous of their own characters, have always proved the most diligent and indefatigable accusers.

SECT. XXII. Therefore, my Lords, you have reason to believe, that Quintus Caecilius, a man of no reputation, from whom very little is expected in the present trial, who has neither any fame already acquired to preserve, nor any future expectations to confirm, will not acquit himself in this cause, with the industry, vigour, and severity it requires. For he can lose nothing but a repulse. Should we even suppose him shamefully and scandalously baffled, all his former merit will still remain. Of me the Roman people have many pledges, which I must strive with my utmost endeavours to preserve, to defend, to confirm, and to redeem. They have the honour for which I am now a candidate: they have the hope that animates all my pursuits: they have a reputation too, acquired with much sweat, watching, and toil. If I give proof of my fidelity and diligence in this cause, all these will remain sure and inviolable in the hands of my country; but if I trip or stumble in the least, the acquisitions of a whole life will be destroyed in one moment. Therefore, my Lords, it remains for you to pitch upon the man whom you think best qualified, by his integrity, diligence, wisdom, and authority, to sustain the weight of this prosecution. Should the preference be given to Caecilius, I shall not think my character in the least affected by such a sentence: but take care that the people of Rome have not too much reason to believe, that so upright, so severe, and so vigorous an impeachment, was neither agreeable to you, nor to those of your order.

ORATIO II.

PRO LEGE MANILIA.*

I. QUAMQUAM mihi semper frequens conspectus vester multò jucundissimus; (1) hic autem locus ad agendum amplissimus, ad dicendum ornatissimus est visus, (2) Quirites! tamen hoc aditu laudis, qui semper optimo cuique maximè patuit, non mea me voluntas, sed meae vitae rationes ab ineunte aetate susceptae, prohibuerunt. Nam, cùm antea per aetatem nondum hujus auctoritatem loci contingere auderem; statueremque, nihil luc, nisi perfectum ingenio, elaboratum industriâ, afferri oportere; omne

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* In the consulship of M. Aemilius and L. Volcatius, L. Lucullus, who in quality of proconsul had continued almost seven years at the head of the Roman army in Asia Minor, and obtained many signal victories over Mithridates, was recalled by a decree of the senate. As the war was not yet finished, there was a necessity for sending some other general to supply his place. C. Manilius, a tribune of the people, proposed a law, preferring Pompey to that important commission. This proposal met with great opposition, because Pompey having already the command of the piratical war, with a very extensive authority, many Romans of distinction thought it would be dangerous to trust so much power in the hands of one person. Cicero, who seems to have entertained a high opinion of Pompey's honour and probity, and considered him as the only man in the commonwealth fit to conduct a war of that importance, was zealous for the passing of the Manilian law, and in his speech endeavoured to

support it with all his credit and eloquence. He begins with explaining the nature and importance of the Mithridatic war, and says every thing that might serve to animate the people to continue and pursue it with vigour. Thence passing to the choice of a general, he enters into so beautiful a detail of Pompey's merit and qualifications, that I question whether there be any history where the character of that great man is so well drawn. In the sequel the law passed, though Catulus and Hortensius, two of the most considerable men in Rome, and both consular senators, were among the number of those that opposed it. Pompey was sent against Mithridates, with a more extensive command than had been granted even to Lucullus; Bithynia, and several other provinces, being included in his commission. He received his orders in Cilicia, where he was employed in putting the last hand to the war against the pirates; by the successful conclusion of which, he restored the Roman commonwealth to her wonted power and

ORATION II.

FOR THE MANILIAN LAW.

SECT. I. THOUGH your crowded assemblies, Romans, be always a grateful sight to me; though this place appears the most conspicuous for counsel, and the most honourable for debate; yet not choice, but the way of life I have been engaged in from my early youth, have hitherto excluded me from this theatre of praise, ever open to the worthy and the wise. For as till now I had not reached the age necessary to entitle me to so distinguished an honour, and as I judged nothing worthy of this tribunal, in which the most consummate genius and industry were not

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splendour, which the ill conduct of her generals abroad, and the remissness of the administration at home, had of late considerably impaired. This oration was delivered from the tribunal of harangues, being the first time of Cicero's appearance in that place: for hitherto he had pleaded only private causes in the praetor's court. It was spoken in the six hundred and eighty-seventh year of Rome, and the forty-first of Cicero's age, soon after his election to the praetorship.

(1) *Hic locus.*] Cicero here means the *rostra*, or tribunal of harangues, which was situated in the Forum, and adorned with the beaks of ships, whence it had its name. Livy, speaking of it in his eighth book, says, *Naves Antiatum partim in uaria Romae subductae, pertim incensae: Restisque earum suggestum in foro extrectum adornari placuit, rostraque id templum appellatum.* This place was set apart for enacting laws, pleading causes, and delivering speeches to the people. Here none were allowed to speak but men

of dignity in the state. In the *rostra* the speaker addressed himself to the people only, and was obliged to study a very different manner of speaking from that in use before the judges. The people were to be both instructed and pleased, which required all the eloquence and ornaments of language: The judges were only to be informed, and therefore a concise and simple style was necessary before them.

(2) *Quirites.*] This was an appellation given to the Roman people in general, from the Curetes, a people that removed to Rome with Tatius, from Cures, a Sabine city. For a fierce war commencing between Romulus and Tatius, on occasion of the rape of the Sabine virgins, peace was at length concluded on these terms: That Romulus and Tatius should reign jointly over both people: that the city should be called Rome, from Romulus; and the citizens Quirites, from Cures. The word comes originally from *curis*, or *quiris*, which, in the language of the Sabines, signified a dart, and was a weapon greatly in use among that people.

meum tempus amicorum temporibus transmittendum putavi. Ita neque hic locus vacuus unquam fuit ab iis qui vestram causam defenserent; et meus labor in privatorum periculis castè integrè que versatus, ex vestro judicio fructum est amplissimum consecutus. ^v Nam cùm propter dilationem comitiorum (3)ter praetor primus centuriis cunctis renuntiatus sum, facile intellexi, Quirites, et quid de me judicaretis, et quid aliis praescribaretis. Nunc cùm et auctoritatis in me tantum sit, quantum vos honoribus mandandis esse voluistis; et ad agendum facultatis tantum, quantum homini vigilanti ex forensi usu propè quotidiana dicendi exercitatio potuit afferre: certè, et si quid auctoritatis in me est, eā apud eos utar, qui eam mihi dederunt; et si quid etiam dicendo consequi possum, iis ostendam potissimum, qui ei quoque rei fructum suo judicio tribuendum esse censuerunt. Atque illud in primis mihi laetandum jure esse video, quòd in hāc insolitā mihi ex hoc loco ratione dicendi, causa talis oblata est, in quā oratione nemini deesse potest. Dicendum est enim de Cn. Pompeii singulari eximiāque virtute: hujus autem orationis difficilius est extum, quām principium invenire. Itaque non mihi tam copia, quām modus in dicendo quaerendus est.

II. Atque, ut inde oratio mea profiscatur, unde haec omnis causa ducitur; bellum grave et periculosum vestris vectigalibus atque sociis, (4)à duobus potentissimis regibus infertur, Mithridate, et Tigrane: quorum alter relictus, alter lacesitus, occasionem sibi ad occupandam Asiam oblatam esse arbitratur. Equitibus Romanis, honestissimis viris, afferuntur ex Asiā quotidie literae, quorum magnae res aguntur, in vestris vectigalibus exercendis occupatae; qui ad me pro necessitudine, quae mihi est

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(3) *Ter praetor primus centuriis cunctis renuntiatus sum.*] The praetor was a magistrate, to whom belonged the administration of justice. At first only one was created, then two; in the time of Sylla eight, and last of all ten. Of these praetors two had the management of private trials committed to them; one, the city praetor, who judged between fellow-citizens; the other, the foreign praetor, who took cognizance of the affairs of strangers. The other eight were criminal judges, and had each his particular province. Two were appointed to decide in cases of murder; one of extortion; one of embezzling the public money; one of corruption; one of fraud; one of treason; and one of violence. Cicero here tells us, that he was thrice declared first praetor by all the centuries. Not that there was

any inequality or difference of dignity between the praetors, but he who was first chosen to that office by the people, was judged on that account to have the preference in their favour. Plutarch, in his life of Cicero, tells us, that he had to struggle with many candidates of the first dignity, from all whom he nevertheless carried the honour of the first nomination. Hence, in his book *De Claris Oratoribus*, speaking of himself, he says, *Atque ut multa omittam, in hoc spatio, et in his post aedilitatem annis, et praetor primus, et incredibili populari voluntate sum factus.*

(4) *A duobus potentissimis regibus.*] They are deservedly stiled powerful by the orator, whether we consider the extent of their dominions, or their renown in war. Mithridates, though originally

conspicuous; I thought it best to dedicate my whole time to the concerns of my friends. Accordingly this place has always abounded with able pleaders in the cause of the republic: and my talents, employed in the defence of private citizens, have by your suffrages been crowned with a glorious reward. For when, by reason of the adjournment of the comitia, I found myself thrice chosen first praetor by all the centuries, it was easy for me thence to collect, both what your sentiments of me were, and what qualifications you required in others. Now that I am clothed with all that authority which is annexed to the offices you have honoured me with; and as my talents for business are such as the constant exercise of pleading may produce in a man of industry, be assured, that whatever authority I possess, shall be exerted in behalf of those from whom I have derived it; and if my eloquence carries any weight, I will display it chiefly to those who have thought it worthy of reward. And here I think I may justly congratulate myself, that, unaccustomed as I am to harangue in this manner, and from this place, a subject presents itself, on which it is impossible not to be eloquent. I am to speak of the singular and amazing virtues of Pompey; a theme where I shall find it more difficult to know when to stop, than how to begin; and where my principal study must be, not to search for materials, but to set bounds to my orations.

SECT. II. But that my discourse may run back to the source of the present debate; an important and dangerous war is carried on against your tributaries and allies, by two very powerful monarchs, Mithridates and Tigranes: of whom the one being provoked, and the other not pushed after his defeat, they think a favourable opportunity offers to possess themselves of all Asia. Letters are daily brought from that quarter to the Roman knights, men of character and eminence, who have a great interest in the collection of your revenues; and, on account of my near connexion with their order, have thought proper to lay

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no more than king of Pontus, found means, by his valour, to render himself master of Illyria, Asia Minor, and great part of Greece. Cicero, in his Lucullus, pronounces him the greatest of kings, next to Alexander. He was vanquished and restricted to his hereditary dominions by Sylla; but, renewing the war again after his death, Lucullus was sent against him, who defeated him in several battles, and in the last would infallibly have made him prisoner, had not the soldiers, instead of continuing his pursuit, abandoned themselves to the sake of plunder. This gave him an op-

portunity of escaping to his son-in-law, Tigranes, who reigned in Armenia, and is by Plutarch styled the king of kings. His power was so great, that having driven the Parthians out of Asia, he transplanted the Greek states into Media, and ruled Syria and Palestine. Lucullus notwithstanding summoned him to deliver up Mithridates; and upon his refusal, pushed him so vigorously, that after taking possession of Tigranocentra, the city of his own residence, he twice routed his numerous forces, and obliged him to fly into the skirts of Armenia.

cum illo ordine, causam reipublicae, periculaque rerum suarum detulerunt: (5) Bithyniae, quae nunc vestra provincia est, vicos exustos esse complurcis: (6) regnum Ariobarzanis, quod finitimum est vestris vectigalibus, totum esse in hostium potestate: Lucullum, magnis rebus gestis, ab eo bello discedere: huic qui succurrerit, non satis esse paratum ad tantum bellum administrandum: unum ab omnibus sociis et civibus ad id bellum imperatorem deposci, atque expeti; eundem hunc unum ab hostibus metui, praeterea neminem. / Causa quae sit, videtis: nunc quid agendum sit, considerate. Primum mihi videtur de genero belli, deinde de magnitudine, tum de imperatore diligendo esse dicendum. Genus est enim ejusmodi, quod maximè vestros animos excitare, atque inflammare debet: in quo agitur populi Romani gloria, quae vobis à majoribus, cùm magna in rebus omnibus, tum summa in re militari tradita est: agitur salus sociorum atque amicorum, pro quâ multa majores vestri magna et gravia bella gesserunt: aguntur certissima populi Romani vectigalia, et maxima; quibus amissis, et pacis ornamenta et subsidia belli requiretis: aguntur bona multorum civium, quibus est à vobis, et ipsorum, et reipublicae causâ consulendum. /

III. Et quoniam semper appetentes gloriae praeter cacteras genteis, atque avidi laudis fuitis, delenda vobis est illa macula, (7) Mithridatico bello superiore suscepta; quae penitus jam insedit, atque inveteravit in populi Romani nomine: quòd is, qui uno die, totâ Asiâ, tot in civitatibus, uno nuntio, atque unâ litterarum significatione, cives Romanos necandos trucidandoque denotavit, non modò adhuc poenam nullam suo dignam sceleris suscepit, sed ab illo tempore annum jam tertium et vicesimum regnat: et ita regnat, ut se non Ponto, neque Cappadociae latibris occultare velit; sed emergere è patrio regno, atque in vestris vectigalibus, hoc est in Asiae luce, versari. Etenim adhuc

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(5) *Bithyniae, quae nunc vestra provin-
cia est.*] Nicomedes, surnamed Philopater, the son of that Nicomedes, who, upon the death of his father Prusias, took possession of the kingdom of Bithynia, being expelled his dominions by Mithridates, was again restored by Sylla. In gratitude for this service, chancing to die some years after, namely, in the consulship of Octavius and Cotta, he left the Roman people heir to his kingdom, which the republic reduced into the form of a province.

(6) *Regnum Ariobarzanis.*] Cappadocia, whence he was twice expelled by Mithridates, and as often restored by the Romans. Lucullus being recalled by a de-

cree of the senate, Mithridates again took possession of his kingdom, and enjoyed it till Pompey, after the total defeat of him and Tigranes, restored Ariobarzanes a third time.

(7) *Mithridatico bello superiore.*] This broke out in the consulship of Q. Pompeius and L. Sylla. In the very beginning of this war, Mithridates having got Q. Oppius, the proconsul into his hands, put him in irons. He likewise seized Marcus Aquilius; and, setting him upon an ass, preceded by a public crier, who proclaimed his approach by his name, ordered him to be carried to Pergamus where he no sooner arrived, than melted gold was poured down his throat. He

before me the cause of the republic, and the danger to which their own private fortunes are exposed; that in Bithynia, now a Roman province, a great number of villages are burnt down: that the kingdom of Ariobarzanes, which borders on your tributaries, is wholly in the power of your enemy: that Lucullus, after a series of great exploits, is about to relinquish that war: that his successor is but ill provided for the execution of so difficult an enterprise: and that the unanimous voice of citizens and allies, points at; and demands one person for the conduct of this war, as the only man alive who strikes terror into our enemies. You see then the point in question: it now remains for you to consider what is fit to be done. To me it seems necessary to speak, first of the nature, then of the greatness of the war, and lastly, of the choice of a general. The nature of the war is such as ought to rouse all your courage, and kindle your warmest resentment. It regards the glory of the Roman people, which your ancestors have transmitted with so much lustre in all things, but principally in the science of arms. It regards the safety of your friends and allies, in defence of which your forefathers have sustained many heavy and dangerous wars. It regards the surest and fairest revenues of the commonwealth, without which we can neither support peace with dignity, nor furnish the necessary expences during war. In fine, it regards the private fortunes of many illustrious citizens, whose prosperity demands your utmost attention, both on their own and the republic's account.

SECT. III. And because the thirst of glory, and passion for fame, has been always stronger in you than in any other people, you must wipe out that stain contracted in the last Mithridatic war, which has given so deep and dangerous a wound to the reputation of the Roman people: that the man who, in one day, over all Asia, through so many states, by a simple courier, and the contents of a single letter, marked out the Roman citizens to butchery and destruction, has not only hitherto escaped without any suitable punishment, but now counts the twenty-third year of his reign from that period: a reign too, so prosperous, that, instead of seeking to hide himself in Pontus, and the fastnesses of Cappadocia, he has broke through the limits of his paternal inheritance, and riots among your tributary provinces, in the rich and fertile country of Asia. For hitherto your generals

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then sent letters to all the governors of the Asiatic provinces, enjoined them, on the thirtieth day after the receipt of the said letter, to massacre all the Romans and Italians in their several districts, with-

out regard to age or sex; and to leave their bodies unburied a prey to the wild beasts. Upon this, so great an execution ensued, that upwards of one hundred and fifty thousand were slain in one day,

ita vestri cum illo rege contenderunt imperatores, sed illo insignia victoriae, non victoriam reportârint. Triumphavit L. Sulla, triumphavit L. Muraena de Mithridate, duo fortissimi viri, et summi imperatores: sed ita triumphârunt, ut ille pulsus superatusque regnaret. Verumtamen illis imperatoribus laus est tribuenda, quod egerunt: venia danda, quod reliquerunt: properea quod ab eo bello (8) Sullam in Italiam respublica, Murae-nam Sulla revocavit.

IV. Mithridates autem omne reliquum tempus, non ad obli-vionem veteris belli, sed ad comparationem novi contulit: qui posteaquam maximas aedificasset, ornassetque classeis, exercitus que permagnos, quibuscumque ex gentibus potuisset, comparâset, et se Bosphoranis, finitinis suis, bellum inferre simulâset usque in Hispaniam legatos Ecbatanis misit ad eos duces, quibuscum tum bellum gerebamus: ut, cum duobus in locis disjunctissimis, maximè diversis, uno consilio, à binis hostium copiis bellum terrâ marique gereretur, vos ancipiti contentione distric-ti, de imperio dimicaretis. Sed tamen alterius partis periculum. (9) Sertorianae atque Hispaniensis, quae multò plus firmamentum ac roboris habebat, Cn. Pompeii divino consilio, ac singulari vir-tute depulsum est: in alterâ parte ita res à L. Lucullo summo viro est administrata, ut initia illa gestarum rerum magna atque pœoclara, non felicitati ejus, sed virtuti; haec autem extrema, quae nuper acciderunt, non culpae, sed fortunae tribuenda esse videantur. Sed de Lucullo dicam alio loco, et ita dicam, Quiri-tes! ut neque vera laus, ei detracta oratione nostrâ, neque falsa, afficta esse videatur. De vestri imperii dignitate, atque gloriâ, quoniam is est exorsus orationis meae, videte, quem vobis ani-mum suscipiendum putetis.

V. Majores vestri saepe mercatoribus ac navicularioribus inju-riosius tractatis, bella gesserunt: vos tot civium Rom. millibus,

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(8) *Sullam in Italiam respublica, Mu-raenam Sulla revocavit.*] While Sylla was engaged in the Mithridatic war, the faction of Marius and Cinna prevailing at Rome, great disturbances ensued, and many of the most considerable men of the commonwealth were killed. This obliged Sylla to conclude a peace hastily with Mithridates, that he might be the sooner at liberty to return to Rome, to quell these tumults. Muraena being left behind as Sylla's lieutenant in Asia, to see to the execution of the treaty of peace, and settle the affairs of those provinces, was not over scrupulous with regard to

Mithridates; but, fired with the love of military glory, at first undertook small and afterwards greater expeditions against him. Whereupon Sylla, thinking it inconsistent with the honour of the Roman name, not to stand to the articles of peace, recalled Muraena out of Asia.

(9) *Sertorianae atque Hispaniensis.*]—Sertorius, a partisan of Marius, upon Sylla's return to Italy, fled with Cinna into Spain; where, having gained many nations in those parts to his interest, he supported the Marian cause with great bra-very, and frequently routed the Roman armies. But being proscribed by Sylla,

have fought in such a manner with this prince, as to carry off the trophies of victory, not victory itself. L. Sylla triumphed; L. Murena triumphed over Mithridates; both brave men, and accomplished commanders: but their triumphs were such as to leave him, after all his losses and defeats, in full possession of royalty. Nevertheless, these generals deserve praise for what they did, and pardon for what they left undone; for the concerns of the commonwealth recalled Sylla, and Sylla himself recalled Murena from the prosecution of that war.

SECT. IV. But Mithridates employed the interval that followed, not in endeavours to blot out the memory of the ancient quarrel, but in concerting measures to renew the war: and, after building and equipping vast fleets, levying great armies in all the countries whence troops could be had, and causing a report to be spread, that his design was to make war upon the people of Bosphorus, his neighbours; he sent ambassadors from Ecbatana into Spain, to treat with the generals then at war with the republic; that obliging you to make head, both by sea and land, against two mighty enemies acting in concert, and in provinces so very remote and distant from each other, you may find yourselves embarrassed by the double attack, and be reduced to the necessity of fighting for your empire. But one part of this storm, which proceeded from Sertorius and Spain, and was by far the most formidable and threatening, was dissipated by the divine conduct and singular valour of Pompey: and, in the other scene of action, affairs were so managed by Lucullus, that great and illustrious commander, that his glorious successes in the beginning may be justly attributed to his prudence, not to his good fortune; whereas those later disasters, which have since befallen him, seem purely the work of chance, and are not imputable to his misconduct. But of Lucullus I will speak elsewhere, and speak in such a manner, Romans, as neither to deprive him of any due praise, nor load him with false commendations. At present, as the chief design of my speech is the honour and dignity of your empire, see what ought to be your resentment upon this occasion.

SECT. V. Your forefathers often engaged in a war, to revenge the insults offered to their merchants and seamen. How then

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and betrayed by Marcus Antonius, Marcus Perpenna, and some others, who had conspired his destruction, he was slain at an entertainment, in the six hundred and eighty-first year of the city.

uno nuntio, atque uno tempore necatis, quo tandem animo esse debetis? Legati quòd erant (10) appellati superbiùs, Corinthum patres vestri, totius Graeciae lumen, extinctum esse voluerunt: vos eum regem inultum esse patiemini, qui legatum populi Rom. consularem, vinculis ac verberibus, atque omni supplicio excruciatum necavit? Illi libertatem civium Rom. imminutam non tulerunt: vos vitam erectam negligetis? Jus legationis verbo violatum illi persecuti sunt: vos legatum populi Rom. omni supplicio interfectum, inultum relinquatis? Vide ne, ut illis pulcherri-
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mum fuit tantam vobis imperii gloriam relinquere, sic vobis tur-
piissimum sit, illud quod accepistis, tueri et conservare non posse.
Quid, quòd salus sociorum summum in periculum ac discrimen
vocatur! Regno expulsus est Ariobarzanes, rex, socius populi
Romani atque amicus: imminent duo reges toti Asiae, non so-
lùm vobis inimicissimi, sed etiam vestris sociis atque amicis: ci-
vitates autem omnes, cuncta Asia, atque Graecia, vestrum auxi-
lium exspectare, propter periculi magnitudinem, coguntur: im-
peratorem à vobis certum deposcere, cùm praesertim vos alium
miseritis, neque audent, neque se id facere summo sine periculo
posse arbitrantur: vident, et sentiunt hoc idem, quod et vos,
unum virum esse, in quo summa sint omnia, et eum prope esse
(quo etiam carent aegrius:) cuius adventu ipso, atque nomine,
tametsi ille ad maritimum bellum venerit, tamen impetus hosti-
um repressos esse intelligunt ac retardatos. Hi vos, quoniam
liberè loqui non licet, tacitè rogan, ut se quoque, sicut caetera-
rum provinciarum socios, dignos existimetis, quorum salutem tali
viro commendetis: atque hoc etiam magis quàm caeteros, quòd
ejusmodi in provinciam homines cum imperio misimus, ut, eti-
am si ab hoste defendant, tamen ipsorum adventus in urbeis so-
ciorum non multùm ab hostili expugnatione differant. Hunc
audiebant antea, nunc praesentem vident, tantà temperantiā,
tantà mansuetudine, tantà humanitate, ut ii beatissimi esse vide-
antur, apud quos ille diutissimè commoratur.

VI. Quare si propter socios, nullâ ipsi injuriâ lacessiti, majo- res vestri (11) cum Antiocho, cum Philippo, cum Ætolis, cum

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(10) *Appellati superbiùs.*] Corinth, one of the most considerable cities of Greece, situated on the isthmus of Peloponnesus, was destroyed by the Romans under the conduct of Mummius, in the six hundred and seventh year of the city. The cause of this severe treatment is variously reported by historians. Strabo says, that the inhabitants bespattered the Roman ambassadors with filth from the tops of their houses. Livy and Asconius will have it, that they assaulted them publicly, and

violated their character. Cicero says more than that they treated them in haughty, insolent manner. By this he would insinuate how much greater reason there was to be incensed against Mithridates, who had exercised such unheard of cruelties upon a Roman ambassador and consular dignity.

(11) *Cum Antiocho, cum Philippo, cu*
Ætolis.] When Antiochus, king of Syria had made an alliance with the Ætolians and, in conjunction with them, was wa-

ought you to be fired, when you call to mind, that, in consequence of a single express, so many thousand Roman citizens were butchered in one day? Corinth, the pride and ornament of Greece, was, by your ancestors, doomed to utter destruction, because of the insolent behaviour of the citizens to their ambassadors: and will you suffer the tyrant to escape with impunity, by whom a consular senator of the Roman people was condemned to be bound, scourged, and put to death with the most cruel torments? Your fathers would not permit the least infringement of their privileges; and will you tamely overlook the murder of Roman citizens? These avenged even a verbal insult upon the dignity of their ambassador; and shall the blood of a Roman senator, shed in the most cruel manner, cry for no vengeance from you? Beware, citizens, beware, lest, as it was glorious for them to transmit so extensive an empire to posterity, your inability to preserve and defend it prove ~~not~~ infamous for you. What, to appear unconcerned when the very safety and being of your allies is at stake! Ariobarzanes, a sovereign prince, the friend and confederate of the Roman people, is expelled his dominions. Two potent kings, the inveterate foes not only of Rome, but of every state in amity and alliance with her, threaten all Asia. The provinces of Greece, and beyond the Hellespont, unable to repel the danger, look to you for aid; but, without daring, or thinking it safe to name the particular general they want, because you have already put another into that commission. They see and know, as you do, that there is one man, in whom all great qualities meet; and are the more impatient to be without him, as he is so near at hand to undertake their defence: a man, whose very name and approach, though he came only vested with a naval commission, they nevertheless perceive to have checked and retarded the enemies attempts. And because they dare not openly proclaim their desires, they silently implore you to consider them, in common with the other allied provinces, as worthy of the protection of such a hero. This request is the more reasonable, as we have lately sent them commanders, who indeed defended them from the enemy, but whose entrance into their cities differed little from taking them by storm. As to the general now in their eye, they have formerly heard, but at present find him so full of gentleness, moderation, and humanity, that happiest appears the people among whom he longest resides.

SECT. VI. If then your ancestors, unprovoked by any injury themselves, and merely for the sake of their allies, engaged in war

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ing war upon the confederate states of Greece; the Romans, under whose protection they were, and who had honoured them with the title of allies, generously

Poenis bella gesserunt; quanto vos studio convenit, injuriis provocatos, sociorum salutem unā cum imperii vestri dignitate defendere, praesertim cùm de vestris maximis vectigalibus agatur? Nam caeterarum provinciarum vectigalia, Quirites, tanta sunt, ut iis, ad ipsas provincias tutandas, vix contenti esse possimus: Asia verò tam opima est et fertilis, ut et ubertate agrorum, et varietate fructuum, et magnitudine pastionis, et multitudine earum rerum quae exportantur, facilè omnibus terris antecellat. Itaque haec vobis provincia, Quirites, si et belli utilitatem, et pacis dignitatem retinere vultis, non modò à calamitate, sed etiam à metu calamitatis est defendenda. Nam caeteris in rebus, cùm venit calamitas, tum detrimentum accipitur: at in vectigalibus non solum adventus mali, sed etiam metus ipse affert calamitatem. Nam cùm hostium copiae non longè absunt, etiamsi irruptio facta nulla sit, tamen pecora relinquuntur, agricultura deseritur, mercatorum navigatio conquiescit. Ita (12)neque ex portu, neque ex decumis, neque ex scripturā vectigal conservari potest; quare saepe totius anni fructus uno rumore periculi, atque uno belli terrore, amittitur. Quo tandem animo esse existimatis, aut eos qui vectigalia vobis pensitant, aut eos, qui exercent atque exigunt, cùm duo reges cum maximis copiis propè adsint? cùm una excursio equitatū perbrevi tempore totius anni vectigal auferre possit? cùm publicani familias maximas, quas (13)in salinis habent, quas in agris, quas in portubus atque custodiis, magno periculo se habere arbitrentur? Putatis-ne vos illis rebus frui posse, nisi eos, qui vobis fructui sunt, conservaveritis, non solum (ut antè dixi) calamitate, sed etiam calamitatis formidine libertos?

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undertook their defence, and sent Glabrio, at the head of an army, to support them against their enemies. The Philip here spoken of, must not be confounded with the father of Alexander the Great. ^{He} was, it is true, king of Macedon, but reigned not till long after him, and drew upon himself the Roman arms, by attacking the Athenians their allies. The Carthaginians were engaged in three several wars with the Romans. Cicero here alludes doubtless to the second, which was undertaken on account of the Saguntines, the allies of the Roman people, whom the Carthaginians had injuriously attacked.

(12) *Neque ex portu, neque ex decumis, neque ex scripturā vectigal conservari potest.* There were three kinds of tributes or taxes, from which the Roman state drew very ample revenues. The first was

what they called *decimae*, or *decumae*, corresponding to our word *tithes*; those were exacted not only of all the Romans, but of all the Roman allies, either within or without Italy, who farmed public lands: But it is to be observed, that these were for the most part only laid on corn, wines, oils, and the smaller grains. The second was what they called *scriptura*; a word which, I believe, cannot be rendered by any one word in our language. We know well enough, however, what idea the Romans affixed to it, and in what sense they used it. They meant no more by it than that branch of the revenue which was paid by those who enjoyed the privilege of forests and pasture-grounds belonging to the public. This part of the revenue was probably called *scriptura*, from the sum agreed upon with the mas-

with Antiochus, Philip, the Ætolians, and Carthaginians: how much more ought you, irritated by a series of personal affronts, to exert yourselves warmly in a quarrel, where the dignity of your empire is united with the cause of your confederates; more especially as the fairest revenues of the republic are at stake? For the revenues of the other provinces are such as scarce to defray the expence of protecting them: but Asia is a country so opulent and fertile, that whether we regard the richness of the soil, the variety of fruits, its abundant pastures, and the multitude of commodities for exportation, it easily claims the preference to all other climates. And therefore, Romans, if you aspire either at success in war, or dignity in peace, you must not only defend this province from conquest, but even from the apprehension of being invaded. For, in other affairs, the loss is felt when the disaster happens; but in what regards the revenues of a state, not only real misfortunes, but the very apprehension of them, is productive of mischief. For, when an enemy approaches, though no irruption be yet made, the cattle are abandoned, agriculture is neglected, and commerce stagnates. Thus all taxes, whether upon shipping, manufactures, or the fruits of the earth, necessarily cease; insomuch that the bare rumour of danger, the very apprehension of a war, often sinks the revenues of a whole year. What then may you suppose to be the situation, either of those who pay, or those who collect the public tributes, when they see themselves threatened with an invasion from two formidable monarchs? when a single incursion of the enemy's cavalry may rifle at once the revenue of an entire year? when the farmers of the taxes shall perceive, that all the people employed under them, in the forests, in the fields, in sea-ports, and in garrisons, are exposed to imminent danger? Do you imagine it possible to enjoy the labour of all these, without preserving the labourers themselves, not only from the reality, but, as I said before, from the very dread of danger?

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ters of the customs for the said privilege being entered in a certain book. The third kind of tax was what they called *portorium*, which, except in a few minute circumstances, corresponded to our customs laid upon goods imported and exported.

(19) *In salinis habent.*] The word *salinis*, here used, has occasioned great disputes among commentators. Indeed, we learn from Pliny, lib. 31. cap. 7., that taxes on the salt-pits of Rome were appointed by Ancus Martius. But this tribute, upon the expulsion of the kings, was abolished by a decree of the senate.

And though it was afterwards renewed by *Marcus Livius*, the censor, called thence *Salinator*, yet we never read in any period of the Roman history of its being imposed upon Asia, or any other of the Roman provinces. Besides, Cicero here speaks of three kinds of tributes, but in no part of his works of that arising from salt-pits. I am therefore inclined to think, that we ought to read *salictis*, as we find it in many editions; and that Cicero has here in his eye the pasture-grounds, which abounded with groves of willows.

VII. Ac ne illud quidem vobis negligendum est, quod mihi ego extrenum proposueram, cùm essem de belli genere dicturus, quod ad multorum bona civium Romanorum pertinet: quorum vobis pro vestrâ sapientiâ, Quirites, habenda est ratio diligenter. Nam et publicani, homines et honestissimi et ornatissimi, suas rationes et copias in illam provinciam contulerunt: quorum ipsorum per se res et fortunae curae vobis esse debent: etenim si vectigalia nervos esse reipublicae semper duximus; eum certè ordinem, qui exercet illa, firmamentum caeterorum ordinum rectè esse dicemus. Deinde caeteris ex ordinibus homines gnavi et industrii partim ipsi in Asia negotiantur, quibus vos absentibus consulere debetis; partim suas, et suorum in eâ provinciâ pecunias magnas (14) collocatas habent. Erit igitur humanitatis vestrae, magnum eorum civium numerum calamitate prohibere; sapientiae videre, multorum civium calamitatem à republicâ sejunctam esse non posse. Etenim illud primùm parvi refert, vos publicanis amissa vectigalia postea victoriâ recuperare; neque enim iisdem redimendi facultas erit propter calamitatem, neque aliis voluntas propter timorem. Deinde quod nos eadem Asia, atque idem iste Mithridates initio belli Asiatici docuit, id quidem certè calamitate docti memoriâ retinere debemus. Nam tum, cùm in Asiâ res magnas permulti amiserant, scimus Romae, solutione impeditâ, fidem concidisse. Non enim possunt unâ in civitate multi rem atque fortunas amittere, ut non plureis secum in eandem calamitatem trahant. A quo periculo prohibete rempublicam; et mihi credite, id quod ipsi videtis; haec fides, atque haec ratio pecuniarum, quae Romae, quae in foro versatur, implicita est cum illis pecuniis Asiaticis, et cohaeret; ruere illa non possunt, ut haec non eodem labefactata motu concidant. Quare videte, num dubitandum vobis sit omni studio ad id bellum incumbere, in quo gloria nominis vestri, salus sociorum, vectigalia maxima, fortunae plurimorum civium cum republicâ defenduntur.

VIII. Quoniam de genere belli dixi, nunc de magnitudine pauca dicam. Potest enim hoc dici, belli genus esse ita necessarium, ut sit gerendum: non esse ita magnum, ut sit pertimescendum; in quo maximè laborandum est, ne fortè à vobis quae di-

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(14) *Collocatas habent.*] Very many citizens had their fortunes lodged in the hands of the trading men, who, in the very nature of the thing, must suffer by the losses of these traders. Plutarch in-

forms us, that in Asia there were a great number of farmers of the public revenues, and factors, who miserably harassed that province; and that they consisted of all the several orders in Rome (except the

SECT. VII. Nor ought you to overlook the last point I proposed to mention, in speaking of the nature of the war: I mean what regards the fortunes of many Roman citizens; to which, my countrymen, your wisdom ought to pay a particular regard. For the farmers of the revenue, men of worth and rank in the republic, have conveyed all their wealth and effects into that province; and it is incumbent upon you to bestow your utmost attention upon the preservation of their fortunes. For if we have ever considered the public tributes as the sinews of the state, sure that order of men who are employed in collecting them, may be justly looked upon as the cement and support of all the other orders.] Besides, a number of active and industrious men of other denominations, whose interest you ought to take care of in their absence, are some now trading in Asia, while others have laid out their money to a great extent in that province. Humanity, therefore, requires you to protect the fortunes of such a multitude of citizens; and prudence dictates, that the ruin of so many individuals cannot fail to affect the public prosperity. For it will avail but little to recover, by a victory, what the officers of the revenue may have lost; because such as enjoyed the customs before, will be disabled from renewing the farm, and others will avoid engaging through fear.] Besides, instructed by past misfortunes, we ought sure to keep in mind what the same province, and the same Mithridates, taught us towards the beginning of the Asiatic war. For a number of citizens, sustaining at that time great losses in Asia, we know that public credit was at a stand at Rome, from a general stoppage of payment. And, indeed, where a multitude of individuals in any state suffer an entire shipwreck of their fortunes, it is impossible but others must be involved in the same calamity. Shield the commonwealth therefore from this danger, and give credit to a principle which experience must have taught you. The public credit at Rome, the circulation of money in the forum, is connected with, and dependent upon the revenues of Asia; the loss of which must infallibly draw after it the ruin of the other. Judge, then, whether you ought not to bend all your cares to the vigorous prosecution of a war, in which the glory of your empire, the safety of your allies, the principal revenues of the state, and the properties of many illustrious citizens, are connected with the defence of the republic.

SECT. VIII. Having thus finished what I had to say concerning the nature of the war, it now remains that I speak of its greatness. And this much I will venture to affirm, that it is in-

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(senatorial), and especially of the equites-
tian, of which there were many who
were tyke-farmers, labourers, masters of | the customs, and collectors of the pasture
rage and forest money.

ligentissimè providenda sunt, contemnenda esse videantur. Atque, ut omnes intelligent, me L. Lucullo tantum impertiri laudis, quantum forti viro, et sapientissimo homini, et magno imperatori debeatur; dico ejus adventu maximas Mithridatis copias omnibus rebus ornatas, atque instructas fuisse, urbemque Asiae clarissimam, nobisque amicissimam, (15) Cyzicenorum, obsessam esse ab ipso rege maximâ multitudine, et oppugnatam vehementissimè, quam L. Lucullus virtute, assiduitate, consilio, summis obsidionis periculis liberavit: ab eodem imperatore classem magnam et ornatam, quae ducibus Sertorianis ad Italiam studio inflammato raperetur, superatam esse, atque depresso: magnas hostium praeterea copias multis proeliis esse deletas, patefactumque nostris legionibus esse Pontum, qui antè populo Rom. ex omni aditu clausus esset: (16) Sinopen atque Amisum, quibus in oppidis erant domicilia regis, omnibus rebus ornata atque referta, caeterasque urbeis Ponti et Cappadociae permultas, uno aditu atque adventu esse captas: regem spoliatum regno patrio atque avito, ad aliòs se reges, atque alias gentes supplicem contulisse: atque haec omnia, salvis populi Romani sociis, atque integris vectigalibus, esse gesta. Satis opinor hoc esse laudis: atque ita reproto, Quirites, ut hoc vos intelligatis, à nullo istorum qui huic obtrectant legi atque causae, L. Lucullum similiter ex hoc loco esse laudatum.

IX. Requiritur fortasse nunc, quemadmodum, cùm haec ita sint, reliquum possit esse magnum bellum. Cognoscite, Quirites: non enim hoc sine causâ quaeri videtur. Primum ex suo régno sic Mithridates profugit, ut ex eodem Ponto (17) Medea illa quondam profugisse dicitur: quam praedican in fugâ fratris sui membra in iis locis, quâ se parens persecueretur, dissipavisse, ut eo-

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(15) *Cyzicenorum.*] Cyzicum, one of the finest cities of Asia, was besieged by sea and land by Mithridates, with several machines of war, and especially a wooden tower an hundred cubits high. But Lucullus having blocked him up on all sides, and cut off his provisions, he was obliged to raise the siege.

(16) *Sinopen atque Amisum.*] Sinope is a city upon the Euxine Sea, which at first stood out against the Romans; but being reduced to great extremities, the citizens set fire to their larger vessels, and betook themselves to their gallies, the more conveniently to make their escape. But Lucullus having at last mastered the city, restored it to its former liberty; because, during the siege, he fancied Antigonus

appeared to him in a dream: who, having formerly accompanied Hercules in his expedition against the Amazons, chose this city for himself. Amisus was a town in the confines of Paphlagonia and Cappadocia, about an hundred and thirty miles distant from Sinope. Lucullus having made himself master of this last, advanced towards the other, which being abandoned by the inhabitants, was soon taken. He suffered them, however, to return, and live according to their own laws, because the city was originally an Athenian colony.

(17) *Medea illa.*] Medea flying from her father Æetes, whom she had betrayed, by assisting Jason to come at the golden fleece, in order to retard his pursuit, cut

deed a necessary and unavoidable war, yet not so considerable as to give cause of fear. My principal endeavour, therefore, on this occasion, must be, that some particulars which deserve your utmost attention, be not slightly overlooked as scarce worthy of notice. And here, that every one may be sensible how disposed I am to allow all that praise to Lucullus, which is due to a brave citizen, a wise man, and a great general, I readily own, that, at his arrival, the numerous forces of Mithridates were provided with every thing necessary or convenient; that Cyzicum, the noblest city of Asia, and the best affected to Rome, was invested and vigorously pressed by the king in person, at the head of a formidable army; and that the courage, assiduity, and admirable conduct of Lucullus, freed it from the imminent danger to which it was exposed. I must add, that a strong and well appointed fleet, fitted out by Sertorius's lieutenants, who burned with desire to wreak their vengeance upon Italy, was by the same general defeated and sunk: that in numberless encounters besides, great bodies of the enemies forces were overthrown: that Pontus, heretofore inaccessible to the Roman people, was exposed to the depredations of our legions: that Sinope and Amisus, two cities of royal residence, adorned and provided with all the means of defence, with many other towns of Pontus and Cappadocia, were taken in one march, and in one approach: that Mithridates himself, despoiled of his hereditary and paternal dominions, was forced to fly a suppliant to other kings and states: and that all these great actions were performed, without loss to our allies, or diminution of our revenues. This, I think, sufficiently speaks his praise; and I believe you will readily allow, Romans, that none of the opposers of this law and measure have so fully enlarged upon the merits of Lucullus from this place.

✓ **SECT. IX.** But now, perhaps, it will be asked, if these things are so, how can so difficult a war still remain? Let us examine into this matter a little; for the question is not without foundation. Know then, Romans, that Mithridates fled from this kingdom, just as the famed Medea is said of old to have escaped out of the same Pontus: whom report feigns to have scattered the limbs of her murdered brother into those places through which her father was to pass, that the care of collecting them, and pa-

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her brother Absyrtus in pieces, and strewed his limbs in the way; that the father's grief for the loss of his son, and his con- cern to gather up his mangled remains, might employ him so long as to afford her time to escape.

rum collectio dispersa, moerorque patrius, celeritatem persequendi retardaret; sic Mithridates fugiens, maximam vim auri atque argenti, pulcherrimarumque rerum omnium, quas et à majoribus acceperat, et ipse bello superiore ex totâ Asiâ direptas in suum regnum congesserat, in Ponto omnem reliquit. Haec dum nostri colligunt omnia diligentius, rex ipse è manibus effugit; ita illum in persequendi studio moeror, hos laetitia retardavit. Hunc in illo timore et fugâ Tigranes rex Armenius excepti; difidentemque rebus suis confirmavit, et afflictum erexit, perditumque recreavit; cuius in regnum posteaquam L. Lucullus cum exercitu venit, plures etiam gentes contra imperatorem nostrum concitatae sunt. Erat enim metus injectus iis nationibus, quas nunquam populus Romanus, neque lacesendas bello, neque tentandas putavit. Erat etiam alia gravis atque vehemens opinio, quae per animos gentium barbararum pervaserat, fani locupletissimi et religiosissimi diripiendi causâ, in eas oras nostrum exercitum esse adductum. Ita nationes multae atque magnae novo quodam terrore ac metu concitabantur. Noster autem exercitus, etsi (18) urbem ex Tigranis regno ceperat, et praelitis usus erat secundis, tamen nimiâ longinquitate locorum, ac desiderio suorum commovebatur. Hic jam plura non dicam. Fuit enim illud extreum, ut ex iis locis à militibus nostris redditus magis maturus, quam processio longior quaereretur. Mithridates autem et suam manum jam confirmârat, et eorum, qui se ex ejus regno collegerant, et magnis adventitiis multorum regum et nationum copiis juvabatur. Hoc jam ferè sic fieri solere accepimus, ut regum afflictæ fortunæ facilè multorum opes allicant ad misericordiam, maximèque eorum, qui aut reges sunt, aut vivunt in regno; quod regale iis nomen magnum et sanctum esse videatur. Itaque tantum victus efficere potuit, quantum incolmis nunquam est ausus optare. Nam cum se in regnum recepisset suum, non fuit eo contentus, quod ei praeter spem acciderat, ut eam, posteaquam pulsus erat, terram unquam attingeret: sed (19) in exercitum vestrum, clarum atque victorem, impetum fecit.

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(18) *Urbem ex Tigranis regno ceperat.*] Our author here means Tigranocerta, the capital of Armenia, which Tigranes built, and called after his own name. The walls of it were fifty cubits high; and all the great and wealthy men of the kingdom, to testify their regard for this prince, had removed thither with their treasures, and made it the place of their abode. Plutarch tells us, that Lucullus found here eight thousand talents, besides much other riches. It was here too that he defeated the forces of Mithridates and Tigranes, consisting of two hundred and fifty thousand foot, and fifty thousand horse. Af-

ter this overthrow, the two kings assembled another army, of seventy thousand foot, and thirty-five thousand horse, which was again routed by Lucullus: upon which Tigranes retired farther into Armenia, and Mithridates made the best of his way to Pontus.

(19) *In exercitum vestrum clarum atque victorem.*] First he fell upon L. Flaccus, whom Lucullus had left to command the army in Pontus: and then upon C. Triarius, one of Lucullus's lieutenants, who was sent with a new army to succeed Flaccus. Triarius, hearing that Lucullus was upon the march himself to join the

ternal grief, might stay the celerity of his pursuit. Thus Mithridates, to favour his flight, left in Pontus an immense collection of gold and silver, and other valuable and costly ornaments, which he had either inherited from his ancestors, or got by plunder in the last Asiatic war, and treasured up in his own dominions. While our troops were employed in pillaging these, the person of the king escaped. Thus in the former case grief, in the latter joy, checked the eager desire of pursuit. In this flight, and under the influence of these terrors, he took refuge with Tigranes, king of Armenia, who received him kindly, roused him from his diffidence, cheered him in his distress, and restored him to some degree of hope. Lucullus followed him with his army into this prince's territories, where he found many nations ready to oppose him, from the dread they entertained of the Roman forces, though they were far from any design either to provoke or attack them. A prevalent and general persuasion had likewise taken hold of the minds of these barbarians, that the design of pillaging a rich and awful temple had brought our army into those parts. Thus many very powerful nations were spirited up against us, by a new kind of terror and dread. Meanwhile our troops, though they took the capital of Tigranes's kingdom, and routed the enemy in several encounters, were nevertheless dismayed at the distance of the provinces in which they fought, and seized with a desire to return to their own country. Here let me stop: for the issue of all was, that our soldiers discovered a greater inclination to retire than to advance. But Mithridates had by this time revived the courage of his troops, and found his army greatly increased by multitudes that flocked to him from his own dominions, and the numerous reinforcements of many foreign kings and nations. This we learn from experience to be frequently the case, that the eminent distresses of princes, by the compassion they are apt to excite, raise powerful confederacies in their favour, especially of such as are either monarchs themselves, or live in subjection to monarchy; because to them the name of royalty sounds great and venerable. Accordingly he was able to effect more after his defeat, than in the very height of his prosperity he durst presume to hope. For when he returned to his own kingdom, not contented with so unexpected a piece of good fortune, in recovering the possession of a country whence he thought himself expelled for ever, he even had the boldness to attack your brave and victorious army. Suffer me, Romans, in this place, after the ex-

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array, and desiring to engross the whole
glory of the victory, gave Mithridates
battle; in which he was routed with the

loss of twenty-four military tribunes, an
hundred and fifty centurions, and upwards
of seven thousand private men.

Sinite hoc loco, Quirites (sicut poëtae solent, qui res Romanas scribunt) praeterire me nostram calamitatem: quae tanta fuit, ut eam ad aures L. Luculli non ex praelio nuntius, sed ex sermone rumor afferret. Hic in ipso illo malo gravissimâque belli offensione L. Lucullus, qui tamen aliquâ ex parte iis incommodis mederi fortasse potuisset, vestro jussu coactus, quod imperii diuturnitati modum statuendum veteri exemplo putavistis, partem militum, qui jam stipendiis confectierant, dimisit, partem Glabrioni tradidit. Multa praetereo consultò: sed ea vos conjecturâ perspicite, quantum illud bellum futurum putetis, quod conjungant reges potentissimi, reuovent agitatae nationes, suscipiant integrae gentes, novus imperator vester accipiat, vetere pulso exercitu.

X. Satis mihi multa verba fecisse videor, quare hoc bellum esset genere ipso necessarium, magnitudine periculosum. Restat ut de imperatore (ad id bellum) deligendo, ac tantis rebus praeficiendo, dicendum esse videatur. Utinam, Quirites, virorum fortium atque innocentium copiam tantam haberetis, ut haec vobis deliberatio difficilis esset, quemnam potissimum tantis rebus ac tanto bello praeficiendum putaretis. Nunc verò cum sit unus Cn. Pompeius, qui non modò eorum hominum, qui nunc sunt, gloriam, sed etiam antiquitatis memoriam virtute superârit; quae res est, quae cujusquam animum in hac causâ dubium facere possit? Ego enim sic existimo, in summo imperatore quatuor has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem. Quis igitur hoc homine scientior unquam ait fuit, aut esse debuit? Qui è ludo atque pueritiae disciplinâ, bello maximo, atque acerrimis hostibus, (20) ad patris exercitum, atque in militiae disciplinam profectus est: qui extremâ pueritiâ miles fuit summi imperatoris, ineunte adolescentiâ (21) maximus ipse exercitus imperator: qui saepius cum hoste conflixit, quam quisquam cum inimico concertavit; plura bella gessit, quam ceteri legerunt; plureis provincias confecit, quam alii concupiverunt: cuius adolescentia ad scientiam rei militaris non alienis praecepsit, sed suis imperiis; non offendionibus belli, sed vie-

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(20) *Ad patris exercitum.*] Namely Cn. Pompeius Strabo, who was Cato's colleague in the consulship. He served with great reputation as proconsul during the Italic war, and was afterwards general of the army sent to act against Cinna; on which occasion his son Pompey the Great, then but seventeen years old, served under him, as we learn from Plutarch.

(21) *Maximi ipse exercitus imperator.*] Plutarch and Florus relate, that while he was only a private man, and not exceed-

ing three-and-twenty years of age, he led an army in Picenum, and, being joined by the whole body of the nobility, entered Sylla's camp at the head of three legions. In his march he secured the friendship of several states of Italy; challenged Scipio and Carbo, the generals of the opposite party, to an engagement; and upon his coming up to Sylla, was by him saluted *imperator*, and immediately after sent into Celtiberia, at the head of an army.

ample of the poets, who write of your affairs, to suppress the mention of our calamity: a calamity so great, that it reached the ears of Lucullus, not by any messenger escaped from the battle, but by the reports of public rumour. In this scene of distress, and amidst the heavy losses of so destructive a war, L. Lucullus, who might in some measure, perhaps, have found a remedy for these evils, constrained by your orders, which, in imitation of former times, set bounds to the duration of his command, dismissed that part of the army which had completed its legal time of service, and delivered over the other to Glabrio. I designedly pass over many things; leaving it to your own conjectures to inform you how important that war is like to prove, in which, after the defeat of your former army, you are still to oppose, under the auspices of a new commander, the confederacy of two powerful kings, the renewed hostilities of resentful nations, and the entire forces of unsubdued countries.

SECT. X. Methinks I have said enough to prove that this war is in its nature necessary, and by its importance dangerous. Let me now speak of the choice of a general fit to command in such a war, and have the charge of so great an undertaking. It were to be wished, Romans, that this state so abounded with men of courage and probity, as to make it a matter of difficulty to determine to whom chiefly you should entrust the conduct of so important and dangerous a war. But as Pompey is universally allowed, not only to surpass the generals of the present age, but even those of antiquity, in military fame, what reason can any man assign, why he should hesitate a moment in the present choice? To me four qualifications seem requisite to form a complete général, a thorough knowledge of war, valour, authority, and good fortune. But where is the man that possesses, or indeed can be required to possess, greater abilities in war than Pompey? One that from a boy, and the exercises of the school, passed into his father's camp, and began the study of the military art during the progress of a raging war, maintained by a furious enemy? who, before the period of childhood was elapsed, commenced a soldier under a great general? who, in the very dawn of youth, was himself at the head of a mighty army? who has fought more pitched battles, than others have maintained personal disputes; carried on more wars, than others have acquired by knowledge of reading; reduced more provinces, than others have aspired to even in thought? whose youth was trained to the profession of arms, not by precepts derived from others, but the highest offices of command: not by personal mistakes in

toriis; non stipendiis, sed triumphis est erudita. Quod denique genus belli esse potest, in quo illum non exercuerit fortuna reipublicae? (22) Civile, Africanum, Transalpinum, Hispaniense, mistum ex civitatibus atque ex bellicosissimis nationibus, servile, navale bellum. Varia et diversa genera et bellorum et hostium, non solum gesta ab hoc uno, sed etiam confecta, nullam rem esse declarant in usu militari positam, quae hujus viri scientiam fugere possit.

XI. Jam verò virtuti Cn. Pompeii quae potest par oratio inveniri? quid est, quod quisquam aut illo dignum, aut vobis novum, aut cuiquam inauditum possit afferre? Non enim illae sunt solae virtutes imperatoriae, quae vulgo existimantur, labor in negotiis, fortitudo in periculis, industria in agendo, celeritas in conficiendo, consilium in providendo: quae tanta sunt in hoc uno, quanta in omnibus reliquis imperatoribus, quos aut vidimus, aut audivimus, non fuerunt. (23) Testis est Italia, quam ille ipse vicit L. Sulla hujus virtute et subsidio confessus est liberatam: testis est Sicilia, quam multis undique cinctam periculis, non terrore belli, sed celeritate consilii explicavit: testis est Africa, quae magnis oppressa hostium copiis, eorum ipsorum sanguine redundavit: testis est Gallia, per quam legionibus nostris in Hispaniam iter, Gallorum internecione, patefactum est: testis est Hispania, quae saepissimè plurimos hosteis ab hoc superatos prostratosque conspexit: testis est iterum et saepius Italia, quae, cum servili bello tetro periculosoque premeretur, ab hoc auxilium absente expetivit: quod bellum expectatione Pompeii attenuatum atque imminutum est, adventu sublatum ac sepultum: testes verò jam omnes orae, atque omnes exteriae gentes ac nationes: denique maria omnia, tum universa, tum in singulis oris omnes sinus, atque portus. Quis enim toto mari locus hos per annos, aut tam firmum habuit praesidium, ut tutus esset? aut tam fuit abditus, ut lateret? Quis navigavit, qui non se, aut mortis, aut servitudinis periculo committeret, cum aut hieme, aut referto pae-

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(22) *Civile, Africanum, Transalpinum.*] The orator here represents Pompey as a man consummate in all the parts of war, as having had opportunities of acquiring experience in every kind of it that can happen. He had acted in the civil war between Marius and Sylla; in the African, against Cn. Domitius; in the Transalpine, against the Gauls; in the Spanish, against Sertorius; in the servile, against Spartacus; and by sea, against the pirates.

(23) *Testis est Italia, Sicilia, Africa.*] We have here an enumeration of the different theatres on which Pompey had dis-

played his military virtues. Italy had been held him voluntarily raise an army, to support the cause of Sylla and the republic. Sicily was by his arrival freed from the devastations of Perpenna and Carbo, who, after quitting Italy, had taken possession of that island. Africa saw him victorious over Cn. Domitius, and Hiarbas king of Numidia. Gaul had his troops cut in pieces, for opposing his march into Spain. And Spain, abounding in warlike nations, headed by a general of distinguished reputation, was yet unable to withstand this mighty conqueror. In short, all the nations of Africa

war, but a train of important victories; not by a series of campaigns, but a succession of triumphs? In fine, what species of war can be named, in which the fortune of the republic has not given him an opportunity of exercising himself; the civil, the African, the Transalpine, the servile, the naval, together with that of Spain, in which such a multitude of our own citizens and warlike foreigners were concerned. So many and different wars, against such a variety of foes, not only carried on, but happily terminated by this one man, sufficiently proclaim, that there is no part of military knowledge in which he is not an accomplished master.

SECT. XI. But where can I find expressions equal to the valour of Cneius Pompey? What can any one deliver on this subject, either worthy of him, new to you, or unknown to the most distant nations? For these, as common opinion would have it, are not the only virtues of a general; industry in business, intrepidity in dangers, vigour in action, promptness in execution, prudence in concerting: all which qualities appear with greater lustre in him, than in all the other generals we ever saw or heard of.[¶] Italy is a witness, which the victorious Sylla himself owned was delivered by his valour and timely succour. Sicily is a witness, which he extricated from the many dangers that surrounded her on every side, not by the terror of his arms, but by the promptitude of his counsels. Africa is a witness, which overflowed with the blood of those very enemies that, in numerous swarms, laid waste her fields. Gaul is a witness, through which a way was laid open for our legions into Spain, by the slaughter of her armies. Spain is a witness, which has often beheld multitudes of our enemies overthrown and cut to pieces by this hero. Italy is again and repeatedly a witness, which, when oppressed with the cruel and formidable war of the gladiators, implored his assistance in his absence. The very rumour of his approach damped and broke the force of that war, and his arrival extinguished and cut it up by the roots.[¶] At present all maritime states, all foreign kingdoms and nations, the whole extent of the ocean, with the most distant bays and harbours on every coast, are so many witnesses of his merit. For what sea was of late years so well guarded as to be secure? so retired as to escape the researches of our enemies? Where was the sailor, that, in venturing himself upon the ocean, did not hazard the loss either of life or liberty; being obliged to traverse seas covered with pi-

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all the maritime states along the coast of | pirates, were so many witnesses of his re-
the Mediterranean, all the seas, gulfs, and | nown, and ready to bear testimony to his
haven, which had of late swarmed with | victories by sea and land.

donum mari navigaret. Hoc tantum bellum, tam turpe, tam vetus, tam latè divisum, atque dispersum, quis unquam arbitratur aut ab omnibus imperatoribus uno anno, aut omnibus annis ab uno imperatore confici posse? Quam provinciam tenuistis à praedonibus liberam per hosce annos? quod vettigal vobis tutum fuit? quem socium defendistis? cui praesidio, classibus ves-tris, fuitis? quād multas existimatis insulas esse desertas? quād multas aut metu relictas, aut à praedonibus captas urbeis esse sociorum?

XII. Sed quid ego longinqua commemoro? Fuit hoc quondam, fuit proprium populi Romani, longè à domo bellare, et propugnaculis imperii sociorum fortunas, non sua tecta defendere. Sociis vestris ego mare clausum per hosce annos dicam fuisse, cùm exercitus nostri Brundusio nunquam, nisi summa hieme, transmisericint? Quid, ad nos cùm ab exteris nationibus venirent, captos querar, cùm legati populi Romani redempti sint? Mercatoribus tutum mare non fuisse dicam, cùm (24)duodecim secures in praedonum potestatem pervenerint? Cnidum aut Colophonem aut Samum nobilissimas urbeis innumerabilesque alias captas esse commemorem, cùm vestros portus, atque eos portus, quibus vitam et spiritum ducitis, in praedonum fuisse potestate sciatis? An verò ignoratis, portum Caietae celeberrimum, atque plenissimum navium, inspectante praetore, à praedonibus esse direptum? Ex Miseno autem, ejus ipsius liberos, qui cum praedonibus antea ibi bellum gesserat, à praedonibus esse sublatos? Nam quid ego (25)Ostiense incommodum, atque illam labem, atque ignominiam reipublicae querar, cùm, prope inspectantibus vobis, classis ea, cui consul populi Romani praepositus esset, à praedonibus capta, atque oppressa est? Prò dii immortales! tantamne unius hominis incredibilis ac divina virtus tam brevi tempore lucem afferre reipublicae potuit, ut vos, qui modò ante ostium Tiberinum classem hostium videbatis, iidem nunc nulla intra oceani ostium praedonum navem esse audiatis? Atque haec quā celeritate gesta sint quamquam videtis, tamen à me in dicendo praetereunda non sunt. Quis enim unquam, aut ob- undi negotii, aut consequendi quaestū studio, tam brevi tempore tot loca adire, tantos cursus conficere potuit, quād celeriter, Cn.

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(24) *Duodecim secures.*] He here places the twelve axes, or badges of distinction of the praetor's office, for the praetors themselves. The praetors had two axes carried before them in the city, and six in their provinces. Hence we learn, from the number twelve here mentioned, that two praetors were made prisoners on this occasion. These were Sextilius and Bili-nus, who, as Plutarch informs us, were seized together with their badges and lic-

tors, by the pirates.

(25) *Ostiense incommodum.*] Ostia was a city built by Ancus Martius, at the mouth of the Tiber. So daring were the pirates, that they landed at this town, and burnt and plundered the Roman vessels; and, as if they entertained no thoughts of returning, they remained there with all the booty, and the prisoners that had escaped slaughter, as in a city belonging to themselves.

rates, or expose himself to the inclemency of the winter? Who would ever have believed, that a war so considerable, so shameful, so lasting, so various and widely diffused, could have either been finished in one year by all the generals of the commonwealth, or by one general in the compass of a whole life? What province did you possess at that time uninfested by pirates? What branch of your revenue was safe? Which of your allies did your arms screen from insult? What state was protected by your fleets? How many isles were forsaken by their inhabitants? How many confederate cities were either abandoned through fear, or became the prey of merciless pirates?

SECT. XII. But why do I confine myself to the mention of remote transactions? It was of old, it was, I say, the distinguishing character of the Roman people, to make war upon distant countries, and employ the forces of the empire, not in defence of their own habitations, but to guard the properties of their allies. Shall I take notice of the sea's being shut up to your allies, when the very armies of the republic durst not pass over to Brundusium, but in the dead of winter? Shall I complain of the many prisoners made of foreign nations on their journey to Rome, when a ransom was paid even for the ambassadors of the Roman people? Shall I mention how unsafe the ocean was to merchants, when the twelve lictors of your chief magistrates fell into the hands of pirates? Why should I speak of Cnidus, Colophon, or Samos, with innumerable other stately cities taken by the Corsairs, when you know that your very harbours, those harbours whence you derive your strength and greatness, were forced to submit to their sway? Have you forgot that the celebrated port of Cajeta, when full of ships, was, in presence of a Roman praetor, plundered by pirates? that the children of the very man, who had formerly fought them on that coast, were by them carried off from Misenum? Need I deplore our loss at Ostia, so dishonourable to the commonwealth, when a fleet, commanded by a Roman consul, was taken and destroyed by pirates, almost within view of Rome itself? Immortal Gods! could the incredible and astonishing valour of one man, in so short a time, throw such a lustre on the state, that you, who so lately saw a fleet of enemies in the mouth of the Tiber, hear not now of one pirate within the limits of the Mediterranean? Nor must I forget with what dispatch all this was executed, though you yourselves are no strangers to it. For what man, either urged by the calls of business, or prompted by a desire of gain, could in so short a time visit so many coasts, and accomplish so many voyages, as the fleet under the command of Pompey has done in the pursuits of war? Before the season for sailing was come, he touched at Sicily, visited the coast of Africa, and

Pompeio duce, belli impetus navigavit? qui, nondum tempestivo ad navigandum mari, Siciliam adiit, Africam exploravit, inde Sardiniam cum classe venit: atque haec tria frumentaria subsidia reipublicae firmissimis praesidiis classibusque munivit. Inde se cùm in Italiam recepisset, duabus Hispaniis, et Galliâ Cisalpinâ praesidiis ac navibus confirmatâ, missis item in oram Illyrici maris et in Achaiam, omnemque Graeciam navibus, Italiae duo maria maximis classibus, firmissimisque praesidiis adornavit; ipse autem, ut à Brundusio profectus est, undequinquagesimo die totam ad imperium populi Romani Ciliciam adjunxit; omnes, qui ubique praedones fuerunt, partim capti interfectique sunt, partim unius hujus imperio ac potestati se dediderunt. Idem Cretensibus, cùm ad eum usque in Pamphyliam (26) legatos deprecatoresque misissent, spem deditio[n]is non ademit, obsidesque imperavit. Ita tantum bellum, tam diuturnum, tam longè latéque dispersum, quo bello omnes gentes ac nationes premebantur, Cn. Pompeius extremâ hieme apparavit, ineunte vere suscepit, mediâ aestate confecit.

XIII. Est haec divina atque incredibilis virtus Imperatoris. Quid caeterae, quas paulo ante commemorare coeperam, quantae, atque quā multae sunt? Non enim solum bellandi virtus in summo atque perfecto Imperatore quaerenda est: sed multae sunt artes eximiae, hujus administræ comitesque virtutis. Ac primū quantâ innocentia debent esse Imperatores! quantâ deinde omnibus in rebus temperantiâ! quantâ fide! quantâ facilitate! quanto ingenio! quantâ humanitate! Quae breviter, qualia sint in Cn. Pompeio consideremus; summa enim omnia sunt, Quirites! sed ea magis ex aliorum contentione, quā ipsa per se cognosci, atque intelligi possunt. Quem enim possumus Imperatorem aliquo in numero putare, cuius in exercitu veneant centuriatus, atque venierint? Quid hunc hominem magnum aut amplum de republicâ cogitare, qui pecuniam ex aerario depromptam ad bellum administrandum, aut propter cupiditatem provinciae Magistratibus divisorit, aut propter avaritiam Romae in quaestu reliquerit? Vestra admurmuratio facit, Quirites, ut agnoscere videamini, qui haec fecerint. Ego autem neminem nomino; quare irasci mihi nemo poterit, nisi qui antè de se voluerit confiteri. Itaque propter hanc avaritiam Imperatorum, quantas calamitates,

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(26) *Legatos deprecatoresque.*] The Cretans dreading, lest if Metellus made himself master of the island, he would put all the inhabitants to the sword, sent ambassadors to Pompey, with a proffer of surrendering themselves to him, from whom they expected a milder fate. Pompey, willing to deprive Metellus of the glory of conquering Crete, sent Octavius, one of his

lieutenants, with orders that he should withdraw from the island. Octavius even went so far, as to aid the Cretans against Metellus, whom nevertheless he forced to submit, and punished them with great severity. Though this circumstance in reality reflects no great honour upon Pompey, yet Cicero here artfully turns it to his praise.

thence returning to Sardinia with his fleet, secured there three granaries of the republic, with strong squadrons and garrisons. After this, having strengthened the two Spains and Cisalpine Gaul with troops and fleets, and sent detachments to Illyricum, Achaia, and all the states of Greece, he bent his course towards Italy; where, leaving powerful squadrons and garrisons behind him, to maintain the repose of the Adriatic and Tuscan seas, he, in forty-nine days after weighing from Brundusium, added all Cilicia to the Roman empire, and either took, destroyed, or forced to submit to his authority, all the pirates that had so long infested the coasts of the Mediterranean. The same general, when the Cretans sent ambassadors to him as far as Pamphylia, to implore his clemency, did not discourage their hopes of being admitted to a surrender, but ordered them to give hostages. Thus Pompey in the end of winter prepared for, in the beginning of spring entered upon, and towards the middle of summer finished this formidable war, which had continued so long, and was become so wide and universal, as to involve in its bosom all states and nations.

SECT. XIII. Such is the divine and incredible valour of this general. But what are we to think of those other numberless and astonishing virtues I mentioned before? For ability in war is not the only qualification we are to look for in a great and consummate general. Many other illustrious talents ought to accompany and march in the train of this virtue. And, first, what spotless innocence is required in the character of a general! What temperance in all circumstances of life! What untainted honour! What affability! What penetration! What a fund of humanity! Let us briefly examine how conspicuous all these qualities are in Pompey: for here, Romans, we shall find them in the most exalted degree. But we can never so well know and comprehend them by considering them apart, as when we judge of them in comparison with others. Is that man to be ranked among the number of great generals, in whose army commissions are bought and sold? Can he have high and honourable views for the interest of the state, who employs the money furnished out of the treasury towards the carrying on a war, either in bribing the magistrates to procure him some beneficial province, or in serving the mean purposes of usury at Rome? Your whispers, Romans, discover that you know the persons chargeable with this reproach. For my part, I name nobody; nor can any one take offence, without previously owning himself guilty. But which of you is ignorant of the many cruel calamities occasioned by this avarice of generals in all places where our armies come? Call to mind the marches that

quocumque ventum sit, nostri exercitus ferant, quis ignorat? Itineraria, quae, per hosce annos in Italia, per agros atque oppida ci-vium Romanorum, nostri Imperatores fecerunt, recordamini: tum facilius statuetis, quid apud exteras nationes fieri existimetis; utrum plures arbitramini per hosce annos militum vestrorum armis, hostium urbeis, an hibernis, sociorum civitates esse deletas? Neque enim potest exercitum is continere Imperator, qui seipsum non continet: neque severus esse in judicando, qui alias in se severos esse judices non vult. Hic miramur, hunc hominem tan-tum excellere caeteris, cuius legiones sic in Asiam pervenerunt, ut non modò manus tanti exercitūs, sed ne vestigium quidem cui-quam pacato nocuisse dicatur? Jam verò, quemadmodum milites hibernent, quotidiè sermones ac literae perferuntur. Non modò ut sumptum faciat in militem, nemini vis affertur; sed ne cu-pienti quidem cuiquam permittitur; hiemis enim, non avaritiae, perfugium Majores nostri in sociorum atque amicorum tectis esse voluerunt. ✓

XIV. Age verò, caeteris in rebus quali sit temperantiā, considerate; unde illam tantam celeritatem, et tam incredibilem cursum initum putatis? Non enim illum eximia vis remigum, aut ars inaudita quaedam gubernandi, aut venti aliqui novi, tam cele-ríter in ultimas terras pertulerunt; sed hae res, quae caeteros remorari solent, non retardarunt: non avaritia ab instituto cursu ad praedam aliquam devocavit, non libido ad voluptatem, non amoenitas ad delectationem, non nobilitas urbis ad cognitionem, non denique labor ipse ad quietem: postremo (27) signa et ta-bulas, caeteraque ornamenta Graecorum oppidorum, quae caeteri tollenda esse arbitrantur, ea sibi ille ne visenda quidem existima-vit. Itaque omnes quidem nunc in his locis Cn. Pompeium, si-cut aliquem non ex hac urbe missum, sed de coelo delapsum in-tuentur: nunc denique incipiunt credere, fuisse homines Roma-nos hâc quondam abstinentiā; quod jam nationibus exteris incre-dibile, ac falsò memoriae proditum videbatur. Nunc imperii nostri splendor illis gentibus lucet: nunc intelligent, non sine causa Majores suos tum, cum hâc temperantiā Magistratus habe-bamus, servire populo Romano, quam imperare aliis, maluisse.

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(27) *Signa et tabulas.*] It was usual with the Roman commanders, when they found any pictures or statues of value in a conquered city, to seize and send them to Rome. This humour became, at last, so prevalent, that it proved a plentiful source of oppression to the subjects of

the commonwealth. For even the governors of provinces, thinking they might take the same liberty with the cities under their command, rifled them of every thing valuable in this kind, without sparing so much as the statues of their gods,

have of late years been made by our generals in Italy, through towns and territories belonging to Roman citizens. You will thereby the more easily be enabled to form a judgment of what must have passed in foreign countries. I will even venture to affirm, that your enemies have suffered less by the arms of your troops, than your allies by furnishing them winter-quarters. For that general can never restrain his soldiers, who is unable to restrain himself; nor be an impartial judge with regard to others, who declines an impartial trial in his own case. Is it any wonder, then, that Pompey should be allowed so far to surpass other generals, when his march through Asia was conducted with such order and discipline, that not only the hands, but the very footsteps of his numerous army, are said to have been without the least offence to the nations at peace with Rome? And, as to the moderation at present observed by his troops in their winter-quarters, every day's letters and talk bear witness to it. For, so far is any one from being compelled to contribute to the maintenance of his soldiers, that even such as voluntarily offer are not permitted: in which we may behold the true spirit of our ancestors, who considered the houses of their friends and allies, not with an eye to the cravings of avarice, but as places of refuge against the severity of winter.

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SECT. XIV. But let us now consider this temperance in other respects. To what, think you, are we to attribute the incredible celerity and dispatch of his voyages? For, sure, neither the extraordinary strength of the rowers, nor the matchless art of the pilots, nor the indulgent breath of new winds, wafted him so swiftly to the ends of the earth. But those indirect aims that are wont to create so many obstacles to others, retarded not him in the prosecution of his design. No avaricious views diverted him into the pursuit of plunder, no criminal passion seduced him into pleasure; the charms of a country provoked not his delight, the reputation of a city excited not his curiosity, nor could even labour itself soothe him into a desire of repose. In fine, he laid it down to himself as a law, not so much as to visit those paintings, statues, and other ornaments of the Greek cities, which the generals, his predecessors, thought they might carry off at pleasure. Accordingly, all the people in those parts consider Pompey, not as a general sent from Rome, but as one descended from heaven: and they now, at last, begin to believe, that there were formerly among the Romans, men of this heroic moderation; a tradition which foreign nations have of late regarded as fabulous, and contrived to impose upon posterity. But now the lustre of our empire has spread itself over these countries: now they begin to be sensible, that it was not without reason their ancestors, while we had magistrates of such distinguished moderation,

Jam verò ita faciles aditus ad eum privatorum, ita liberae quaerimoniae de aliorum injuriis esse dicuntur; ut is, qui dignitate principibus excellit, facilitate par infimis esse videatur. Jam quantum consilio, quantum dicendi gravitate et copiâ valeat, in quo ipso inest quaedam dignitas imperatoria, vos, Quirites, hoc ipso in loco saepe cognôstis. Fidem verò ejus inter socios quantam existimari putatis, quam hostes omnium gentium sanctissimam esse judicârint? Humanitate jam tantâ est, ut difficile dictu sit, ntrum hostes magis virtutem ejus pugnantes timuerint, an mansuetudinem vieti dilexerint. Et quisquam dubitat, quin huic tantum bellum hoc transmittendum sit, qui ad omnia nostrae memoriae bella conficienda, divino quodam consilio natus esse videatur?

XV. Et, quoniam auctoritas multum in bellis quoque administrandis, atque imperio militari valet, certè nemini dubium est, quin ea in re idem ille Imperator plurimum possit; vehementer autem pertinere ad bella administranda, quid hostes, quid socii de Imperatoribus vestris existimant, quis ignorat? cùm sciamus, homines in tantis rebus, ut aut contemnant, aut metuant, aut oderint, aut ament, opinione non minùs famae, quâm aliquâ certâ ratione commoveri. Quod igitur nomen unquam in orbe terrarum clarius fuit? cuius res gestae pares? de quo homine vos, id quod maximè facit auctoritatem, (28) tanta, et tam praeclara iudicia fecistis. An verò ullam usquam esse oram tam desertam putatis, quo non illius diei fama pervaserit, cùm universus populus Romanus, referto foro, repletisque omnibus templis, ex quibus hic locus conspici potest, unum sibi ad commune omnium gentium bellum Cn. Pompeium Imperatorem depoposcit? Itaque, ut plura non dicam, neque aliorum exemplis confirmem, quantum hujus auctoritas valeat in bello, ab eodem Cn. Pompeio omnium rerum egregiarum exempla sumantur; qui, quo die à vobis maritimo bello praepositus est Imperator, tanta repente vitalitas annonae ex summa inopia et caritate rei frumentariae consecuta est, unius hominis spe et nomine, quantum vix ex summa ubertate agrorum diurna pax efficere potuisset. Jam verò acceptâ in Ponto calamitate, ex eo proelio, de quo vos paulo antè invitus admonui: cùm socii pertimuissent; hostium opes animique crevissent; cùm satis firmum praesidium provincia non ha-

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(28) *Tanta, et tam praeclara iudicia.*] The great expectations the Roman people had formed of Pompey, and their disposition to favour and do him honour, appeared in their decreeing him a triumph while he was yet no more than a knight; in their sending him, when quaestor, with proconsular authority against Sertorius, and in their choosing him consul before he had borne another magistracy.

chose rather to be subject to the Roman people, than to command over others. Besides, he is so easy of access to those in a private station, and so ready to listen to the complaints of the injured, that, though in dignity he surpasses the greatest princes, in gentleness he appears on a level with the lowest of the people. His prudence in council, his majestic and copious elocution, with that dignity of person which speaks him born to command, have often been experienced by yourselves, Romans, in this very place. What are we to think of his good faith towards his allies, when his very enemies of all nations own it to be without stain? Such, too, is his humanity, that it is hard to say whether his foes more dread his valour in the field, or are charmed with his moderation after conquest. And shall it then admit of a doubt, whether the management of this important war ought to be committed to a man, who seems, by divine appointment, sent into the world to put an end to all the wars that harass the present age?

SECT. XV. And because authority is of eminent influence in the conduct of war, and the administration of military command; sure no one can be ignorant that this is a distinguishing part of our general's character. Every man will allow, that nothing is of greater consequence in war, than the opinion which both friends and foes entertain of your generals; since it evidently appears, that in the greatest affairs, where love, hatred, fear, or contempt, are often of decisive influence, men are no less apt to be swayed by the reports of fame, than by principles founded on reason. Where, then, was there ever a name upon earth more renowned than his? Who has yet equalled him in great actions? And, to mention what properly constitutes authority, where is the man, of whose merit you have formed so high and advantageous a judgment? Do you imagine there is in the world a coast so unfrequented, as not to have been reached by the fame of that day, when the whole people of Rome, crowding into the forum, and all the temples whence it could be seen, demanded Pompey alone to command in a war which regarded the common interest of all nations? Therefore, to say no more, nor be obliged to strengthen by examples taken from others, what I have affirmed of the prevalence of his authority in war; let me have recourse to the same Pompey, for instances of whatever is illustrious and great. The day he was named to the command of the piratical war, from the greatest dearth and scarcity of provisions ever known, the very credit of his name sunk their price so much, that they could scarce have been purchased lower in a year of peace and plenty. After the fatal loss sustained in Pontus, in the battle of which I a little before reminded you with reluctance: while our allies trembled; while our enemies grew in spirit

beret; amisissetis Asiam, Quirites, nisi ad ipsum ejus temporis divinitus Cn. Pompeium ad eas regiones fortuna populi Romani attulisset. Hujus adventus et Mithridatem insolitam inflammatum victoriā continuat, et Tigranem magnis copiis minitantem Asiae retardavit. Et quisquam dubitabit quid virtute perfecturus sit, qui tantum auctoritate perfecerit? aut quām facile imperio atque exercitu socios et vectigalia conservaturus sit, qui ipso nomine ac rumore defenderit?

XVI. Age verbō, illa res quantam declarat ejusdem hominis apud hosteis populi Romani auctoritatem, quod ex locis tam longinquis, tamque diversis, tam brevi tempore omnes huic uni se dediderunt? quod Cretensium legati, cum in eorum insula noster Imperator, exercitusque esset, ad Cn. Pompeium in ultimas prope terras venerunt, eique se omnes Cretensium civitates dedere velle dixerunt? Quid, idem ipse Mithridates, nonne ad eundem Cn. Pompeium legatum usque in Hispaniam misit? eumque Pompeius legatum semper judicavit: ii, quibus semper erat molestum, ad eum potissimum esse missum, speculatorem quam legatum judicari maluerunt. Potestis igitur jam constituere, Quirites, hanc auctoritatem, multis postea rebus gestis, magnisque vestris judiciis amplificatam, quantum apud illos Reges, quantum apud exteris nationes valituram esse existimetis. Reliquum est, ut de felicitate, quam praestare de seipso nemo potest, meminisse, et commemorare de altero possumus; sicut aequum est homini de potestate deorum, timide et pauca dicamus. Ego enim sic existimo; (29) Maximo, Marcello, Scipioni, Mario, et caeteris magnis Imperatoribus, non solum propter virtutem, sed etiam propter fortunam, saepius imperia mandata, atque exercitus esse commissos. Fuit enim profecto quibusdam summis yiris quaedam ad amplitudinem et gloriam, et ad res magnas bene gerendas divinitus adjuncta fortuna. De hujus autem hominis felicitate, quo de nunc agimus, hac utar moderatione dicendi, non ut in illius potestate fortunam positam esse dicam, sed ut praeterita meminisse, reliqua sperare videamur: ne aut invisa diis immortalibus oratio nostra, aut ingrata esse videatur. Itaque non sum praedicaturus, Quirites, quantas ille res domi militiaeque, terrae marique, quantaque felicitate gesserit:

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(29) *Maximo, Marcello, Scipioni, Mario.*] *Fabius Maximus* was dictator, and five times consul. He is the same, who by his wise delays so effectually disconcerted Hannibal. *Marcellus* was five times consul, defeated the Gauls, forced the Insubrians to submit to the republic, routed Hannibal's army at Nola, and took Syracuse by storm. *Scipio Africanus*, in his

twenty-fourth year, was sent into Spain with proconsular authority. By his conquests in Africa, he obliged Hannibal to quit Italy, and afterwards defeated him in a pitched battle, which put an end to the second Punic war. *Marius* vanquished Jugurtha, king of Numidia, totally cut to pieces the Teutones and Cimbri, and was seven times raised to the consulship.

and strength; while the province was destitute of sufficient protection; we must doubtless, Romans, have been dispossessed of all Asia, had not the fortune of Rome, in that perilous conjuncture, providentially brought Pompey into those parts. His arrival stayed the triumph of Mithridates, exulting in the pride of victory; and put a stop to the march of Tigranes, who threatened to over-run Asia with a formidable army. And is it a question with any man, what he will effect by his courage, who effected so much by his authority? Or with what ease he will protect your allies and revenues with an army, whose very name and reputation secured them from insult?

SECT. XVI. But what clearly shews his high reputation with the enemies of the people of Rome is, that however remote and distant, they nevertheless all in so short a time submitted to his authority. The Cretan ambassadors, though they had a Roman army and general in their island, came and sought out Pompey in the extremities of the empire, and made an offer of surrendering all their cities into his hands. Did not Mithridates himself send an ambassador into Spain to Pompey, who always considered him as one really invested with that character? Though those who took umbrage at the deputation's being addressed chiefly to him, chose rather to regard him as a spy. From all these circumstances, Romans, you may now form a judgment how decisive this authority, confirmed by so many great actions since, and rendered conspicuous by your advantageous declarations in its favour, is like to prove with those foreign princes and states. It remains, that with all the caution and brevity befitting a man, who is to speak of the effects of the divine bounty, I say something of his good fortune; a blessing which, though no man can attach to his own person, yet every man may celebrate and record in another. And indeed I am inclined to believe, that offices of command, and the conduct of armies, were so often bestowed upon Maximus, Marcellus, Scipio, Marius, and other great generals, not only on account of their valour, but from the opinion entertained of their good fortune. For certainly, in the case of some eminent heroes, there appears a happy destiny derived from heaven, conducting them to the execution of all those wonders, to which they owe their greatness and renown. But with regard to the man whose good fortune I now celebrate, I shall use such moderation of speech, as, without making him absolute master of events, will only serve to shew, that we have neither forgot his past, nor despair of his future success. Thus shall my discourse savour neither of impiety nor ingratitude. I shall not therefore, Romans, expatiate here on his great actions at home and abroad, by sea and land, with the unusual success

ut ejus semper voluntatibus non modò cives assenserint, socii obtemperârint, hostes obedierint; sed etiam venti, tempestatesque obsecundârint. Hoc brevissimè dicam, neminem unquam tam impudentem fuisse, qui à diis immortalibus tot et tantas res tacitus auderet optare, quot et quantas dii immortales ad Cn. Pompeium detulerunt. Quod ut illi proprium ac perpetuum sit, Quirites, cùm communis salutis atque imperii, tūm ipsius hominis causâ, sicuti facitis, velle et optare debetis. Quare cùm et bellum ita necessarium sit, ut negligi non possit; ita magnum, ut accuratissimè sit administrandum; et cùm ei imperatorem praeficere possitis, in quo sit eximia belli scientia, singularis virtus, clarissima auctoritas, egregia fortuna; dubitabis, Quirites, quin hoc tantum boni, quod vobis à diis immortalibus oblatum et datum est, in rempublicam conservandam atque amplificandam conferatis?

XVII. Quòd si Romae Cn. Pompeius privatus esset hoc tempore, tamen ad tantum bellum is erat deligendus, atque mitten-dus: nunc cùm ad caeteras summas utilitates haec quoque opportunitas adjungatur, ut in iis ipsis locis adsit, ut habeat exercitum, ut ab iis, qui habent, accipere statim possit: quid expectamus? aut cur non, ducibus diis immortalibus, eidem, cui caetera summâ cum salute reipublicae commissa sunt, hoc quoque bellum regium committimus? At enim vir clarissimus, amantissimus reipublicae, vestris beneficiis amplissimis affectus, Q. Catulus; itemque summis ornamentis honoris, fortunae, virtutis, ingenii praeditus, Q. Hortensius, ab hac ratione dissentunt: quorum ego auctoritatem apud vos multis locis plurimum valuisse, et valere oportere confiteor: sed in hac causa, tametsi cognoscitis auctoritates contrarias fortissimorum virorum et clarissimorum; tamen, omissis auctoritatibus, ipsâ re et ratione exquirere possumus veritatem: atque hoc facilius, quòd ea omnia, quae adhuc à me dicta sunt, iidem isti vera esse concedunt, et necessarium bellum esse, et magnum, et in uno Cn. Pompeio summa esse omnia. Quid igitur ait Hortensius? Si uni omnia tribuenda sunt, unum dignissimum esse Pompeium: (30) sed ad unum tamen omnia deferri non oportere. Obsolevit jam ista oratio, re

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(30) *Sed ad unum tamen omnia deferri non oportere.*] If we credit the relation of Plutarch, Manilius' law imported, that the whole province under the command of Lucullus, together with Bithynia, which had fallen to Glabrio's lot, should be transferred to Pompey: That he should have the sole management of the war against

Mithridates and Tigranes: And that the fleet and naval force he had commanded against the pirates, with Phrygia, Lydia, Galatia, Cappadocia, Cilicia, the higher Colchis, Armenia, and the army under Lucullus, should likewise be added to his commission.

that has attended them: a success so great, that not only did his countrymen always concur with, his allies perform, and his enemies submit to whatever he desired, but even the winds and waves seem to have been obsequious to his will. Suffice it in a few words to say, that no man was ever yet so presumptuous, as even silently to conceive a wish, that the immortal gods would crown him with so many and distinguished proofs of their favour, as they have bestowed upon Pompey. That these, O Romans, may ever adhere to and be inseparable from his person, you ought to pray and wish, as I am confident you do, as well on account of the public prosperity, as out of real regard to the man. As, therefore, this war is so necessary, that it cannot be avoided; so important, that it must be managed with the utmost address: and as you may now commit it into the hands of a general, who, to the most consummate knowledge in the art of war, joins eminent courage, an illustrious reputation, and unparalleled success: will ye hesitate, Romans, to employ so favourable an opportunity, presented and put into your hands by the immortal gods, for the preservation and enlargement of your empire?

SECT. XVII. Were Pompey at this time at Rome, in the station of a private citizen, he is yet the only person fit to be chosen for the management of so great a war. But now, when with other urgent advantages, this powerful motive likewise concurs, that he is already upon the spot; that he is at the head of an army; that he can immediately join it to the forces now in those parts; what wait we for? Or why do we not, when the gods so clearly discover their pleasure, entrust likewise this royal war to the care of the man, who has already terminated so many others with the highest advantage to the state? But Q. Catulus, a man of an illustrious character, a great lover of his country, and distinguished by the most eminent proofs of your regard, and Q. Hortensius, conspicuous by all the advantages of honour, fortune, virtue, and genius, differ from my opinion. These, I own, are men, whose sentiments have always had great weight with you, and doubtless very deservedly: but, on this occasion, though some of the best and bravest men in Rome be against me, yet, setting authority aside, I think we may come at the truth by reason and enquiry; the rather because my very adversaries agree to all I have advanced, that this war is necessary and important, and that all the great qualities requisite for conducting it are to be found in Pompey. What then is the argument of Hortensius? If all important affairs are to pass through the hands of one man, Pompey is doubtless the most deserving: but it were dangerous to trust so much power with one person. This position, refuted rather by facts than by rea-

multo magis quām verbis, refutata. Nam tu idem, Q. Hortensi, multa, pro tua summa copia ac singulari facultate dicendi, et in senatu (31) contra virum fortē A. Gabinium, graviter ornatēque dixisti, cūm is de uno imperatore contra praedones constituendo legem promulgasset: et ex hoc ipso loco permulta idem contra legem verba fecisti. Quid, tum, per deos immortaleis, si plus apud populum Romanum auctoritas tua, quām ipsius populi Romani salus, et vera causa valuisset, hodie hanc gloriam, atque hoc orbis terrae imperium teneremus? An tibi tum imperium esse hoc videbatur, cūm populi Romani legati, praetores, quaestoresque capiebantur? cūm ex omnibus provinciis commeatu, et privato et publico, prohibebamur? cūm ita clausa erant nobis omnia maria, ut neque privatam rem transmarinam, neque publicam jam obire possemus?

XVIII. Quae civitas antea unquam fuit, non dico Atheniensium, quae satis latē quondam mare tenuisse dicitur: non Carthaginiensium, qui permultum classe, maritimisque rebus valuebant: non Rhodiorum, quorum usque ad nostram memoriam disciplina navalis, et gloria remansit: quae civitas antea unquam tam tenuis, quae tam parva insula fuit, quae non portus suos et agros, et aliquam partem regionis, atque orae maritimae per se ipsa defenderet? At, hercle, aliquot annos continuos ante legem Gabiniā ille populus Romanus, cuius usque ad nostram memoriam nomen invictum in navalibus pugnis permanserat, magnā et multo maximā parte non modō utilitatis, sed dignitatis atque imperii caruit. Nos, quorum majores Antiochum regem classe, Persenque superarunt, omnibusque navalibus pugnis Carthaginienses, homines in maritimis rebus exercitatissimos paratissimosque vicerunt; si nullo in loco jami praedonibus pares esse poteramus. Nos quoque, qui antea non modō Italiam tutam habebamus, sed omnes socios in ultimis oris auctoritate nostri imperii salvos praestare poteramus; tum, cūm insula Delos, tam procul à nobis in Ægeo mari posita, quō omnes undique cum mercibus atque oneribus commeabant, referta divitiis, parva, sine muro nihil timebat: iidem non modō provinciis, atque oris Italiae maritimis, ac portibus nostris, sed etiam (32) Appiā jam viā

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(31) *Contra virum fortē A. Gabinium.*] When Gabinius, the tribune of the people, preferred a law, conferring the management of the war against the pirates on Pompey, L. Trebellius, one of his colleagues, interposed his negative, and assured the senate he would sooner die than suffer it to pass. As he still persisted in this resolution, Gabinius threatened to depose him by a vote of the tribes. Trebellius upon this absented himself, but could not be prevailed on to withdraw his nega-

tive, till he understood that seventeen tribes had voted against him, and that the whole people were of the same opinion. The opposition ceasing, Gabinius's law passed, and Pompey was invested with the command of the piratical war. Cicero here bestows upon Gabinius the epithet of *fortis*, because of the courage he manifested in pushing his law, notwithstanding the opposition of the senate and his colleagues.

soning, is now become quite stale. For you, Q. Hortensius, with that masterly and commanding eloquence which is peculiar to you, spoke fully and forcibly against Aulus Gabinius, a brave tribune, both in the senate, when his law for putting the war against the pirates into the hands of one general was brought before that assembly; and from this place, when it was proposed to the consideration of the people. But tell me, in the name of all the gods! if your authority had availed more with the Roman people, than the consideration of their own safety and true interest, should we at this day have been in possession of so much glory, or really enjoyed the sovereignty of the universe? For could we then be deemed to possess this sovereignty, when the ambassadors, praetors, and quaestors of the Roman people, were liable to an ignominious captivity? when we were deprived of all communication, either public or private, with our provinces? when navigation was so totally at a stand, that we could transact no business beyond sea, whether it regarded the interest of the whole state, or the properties of particular persons?

SECT. XVIII. For was there ever a state, I speak not of the Athenians, who are said to have been once very powerful at sea; nor of the Carthaginians, renowned for their fleets and naval strength; nor of the Rhodians, the glory of whose maritime expeditions has reached even our days: but was there, I say, ever a state so inconsiderable, an island so small, that could not of herself defend her own ports and territory, with some part at least of the maritime coast and region? And yet, for a continued train of years before the Gabinian law, the very people of Rome, whose reputation in sea affairs has remained even to our days without stain, were not only divested of far the greatest part of their traffic, but even wounded in their dignity and naval dominion. We, whose ancestors vanquished king Antiochus and Perseus at sea, and came off victorious in all naval engagements with the Carthaginians, a nation thoroughly expert and practised in maritime affairs: we, I say, were then nowhere a match for a band of pirates. We, too, who heretofore not only guarded Italy from insults, but by the very reputation of our strength secured the quiet of our allies in all parts, however remote; insomuch that the island of Delos, distant from Rome so far as the Ægean sea, the mart of all nations, abounding in wealth, small in circumference, unprotected by walls, yet had nothing to fear: even we, these very Romans, were then not only ex-

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(32) *Appia via.*] The Appian way was called from Appius Claudius the censor, by whom it was made. It reached at first from Rome to Capua, beginning at the

carebamus; et his temporibus non pudebat magistratus populi Romani in hunc ipsum locum ascendere, -cùm eum vobis maiores vestri exuvii nauticis, et classium spoliis ornatum reliquisserunt.

XIX. Bono te animo tum, Q. Hortensi, populus Romanus, et caeteros, qui erant in eadem sententia, dicere existimavit ea, quae sentiebatis; sed tamen in salute communi idem populus Romanus dolori suo maluit, quam auctoritati vestræ obtemperare. Itaque una lex, unus vir, unus annus, non modò nos illâ miseriâ ac turpitudine liberavit; sed etiam efficit, ut aliquando vere viseremur omnibus gentibus ac nationibus terrâ marique imperare. Quo mihi etiam indignius videtur obtrectatum esse adhuc, Gabinio dicam, an-ne Pompeio, an utrique (id quod est verius) ne legaretur A. Gabinius Cn. Pompeio expetenti ac postulanti? Utrum ille, qui postulat legatum ad tantum bellum, quem velit, idoneus non est qui impetrat, cùm caeteri ad expilandos socios, diripiendasque provincias, quos voluerunt, legatos eduxerint? an ipse, cuius lege salus ac dignitas populo Romano atque omnibus gentibus constituta est, expers esse debet gloriae ejus Imperatoris, atque ejus exercitûs, qui consilio ipsius atque periculo est constitutus? an C. Falcidius, Q. Metellus, Q. Coelius Latinensis, Cn. Lentulus, quos omneis honoris causâ nomino, cùm tribuni plebis fuissent, anno proximo legati esse potuerunt? in hoc uno Gabinio sunt tam diligentes, qui in hoc bello, quod lege Gabiniâ geritur, in hoc Imperatore, atque exercitu, quem per se ipse constituit, etiam praecipuo jure esse deberet? de quo legando spero Consules ad Senatum relatuos: qui si dubitabunt, aut gravabuntur, ego me profiteor relaturum: neque me impediet cuiusquam, Quirites, inimicum edictum, quo minùs, fretus vobis, vestrum jus beneficiumque defendam: neque, praeter intercessionem, quidquam audiam: de qua (ut arbitror) isti ipsi qui minantur, etiam atque etiam quî id liceat considerabunt. Meâ quidem sententiâ, Quirites, unus A. Gabinius, belli maritimi rerumque gestarum auctor, comes Cn. Pompeio adscribitur, proptere aquòd alter uni id bellum suscipiendum vestrî suffragiis detulit; alter delatum, susceptumque confecit.

NOTES.

Porta Capena, as we learn from Frontinus; | Roman people were deprived of it because and was afterwards carried on as far as Brundusium. Cicero says here, that the | cause that part of it, which was next the sea was infested by the pirates.

cluded from our provinces, the maritime parts of Italy, and our harbours on the sea-coast, but durst not so much as appear on the Appian way. And yet, at that very time, the magistrates of the Roman people were not ashamed to mount this tribunal, adorned by their ancestors with naval spoils, and the beaks of ships taken from the enemy.

SECT. XIX. The people of Rome were sensible, Q. Hortensius, that when you, and such as were in your way of thinking, delivered your sentiments upon the law then proposed, you did it with an honest intention. And yet, in an affair that regarded the common safety, they were more swayed by a sense of their own sufferings, than a respect for your authority. Therefore one law, one man, one year, not only delivered us from that state of wretchedness and infamy, but effectually proved to all nations and people, that we were at length become the real lords of the earth and sea. On this account I cannot forbear expressing a greater indignation at the affront offered to Gabinius, shall say, or Pompey, or, as was really the case, to both, in refusing to let Pompey have Gabinius for his lieutenant-general, though he earnestly sought and desired it? Ought the general, who demanded an agreeable lieutenant to assist him in so great a war, to have been refused; when other commanders, who marched out to plunder the provinces, and pillage our allies, carried with them what lieutenant-generals they pleased? Could C. Falcidius, Q. Metellus, Q. Coelius Latiniensis, Cn. Lentulus, all of whom mention with respect, be one year tribunes of the people, and the next appointed lieutenant-generals: and shall such a vigorous opposition be formed against Gabinius alone, who, in a war carried on in consequence of his law, and by an army and general of his appointment, ought doubtless to have the preference to all others? But I hope the consuls will bring the affair before the senate: or if they shall decline it, or raise any difficulties, I here declare, that I myself will undertake the business; nor shall the contradictory decree of any man, Romans, deter me, under our protection, from asserting your just rights and privileges; or shall I regard any thing but the interposition of the tribunes, which I hope will not, without repeated consideration, be exerted upon this occasion, even by those who threaten us with it. And, truly, in my opinion, Romans, Aulus Gabinius, the author of the maritime war, and all that was then done, is the only person proper to act as an assistant to Pompey; because the one, by our suffrages, devolved that war upon the other; and he on whom it was devolved, undertook and brought it to a period.

XX. Reliquum est, ut de Q. Catuli auctoritate et sententia dicendum esse videatur; qui cùm ex vobis quaereret, si in uno Cn. Pompeio omnia poneretis, si quid de eo factum esset, in quo spem essetis habituri: cepit magnum suae virtutis fructum, ac dignitatis, cùm omnes prope unâ voce, in eo ipso vos spem habituros esse, dixistis. Etenim talis est vir, ut nulla res tanâ sit, ac tam difficilis, quam ille non et consilio regere, et integritate tueri, et virtute confidere possit; sed in hoc ipso ab eo vehementissimè dissentio, quòd, quo minùs certa est hominum ac minùs diurna vita, hoc magis respub. dum per deos immortaleis licet, frui debet summi hominis vitâ atque virtute. | At enim nihil novi fiat contra exempla atque instituta Majorum. Non dico hoc loco Majores nostros semper in pace consuetudini, in bello utilitatibus paruisse; semper ad novos casus temporum, novorum consilio-rum rationes accommodâsse: non dicam duo bella maxima (33) Punicum, et Hispaniense, ab uno Imperatore esse confecta duas urbes potentissimas, quae huic imperio maximè minabantur, Carthaginem atque Numantiam, ab eodem Scipione esse deletas: non commemorabo, nuper ita vobis, patribusque vestris esse visum, ut in uno C. Mario spes imperii poneretur: (34) ut idem cum Jugurtha, idem cum Cimbris, idem cum Theutonis bellum administraret; in ipso Cn. Pompeio, in quo novi consti-tui nihil vult Q. Catulus, quâm multa sint nova, summâ Q. Catuli voluntate constituta, recordamini.

XXI. Quid enim tam novum, quâm adolescentulum privatum exercitum difficulti reipublicae tempore confidere? confecit: huius praeesse? praeuit: rem optimè ductu suo gerere? gessit. Quid tam praeter consuetudinem, quâm homini peradolescenti, cuius a Senatorio gradu aetas longè abisset, imperium atque exercitum

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(33) *Punicum; et Hispaniense, ab uno Imperatore esse confecta.*] This may be applied either to the elder or the younger Scipio. The first, after having completed the reduction of Spain, passed over into Africa, where, having vanquished Hannibal, he put an end to the second Punic war. The latter, known most commonly by the name of Scipio Aemilianus, when he was suing for the aedileship, and had not yet reached the consular age by ten years, was nevertheless elected consul, contrary to the usual forms, and sent into Africa, where he took and demolished Carthage. Afterwards, the Roman armies having been several times shamefully defeated before Numantia, insomuch that there appeared little hope of redu-

cing the place; the people cast their eyes upon Scipio, as the only general capable of repairing the disgrace the commonwealth had sustained. Accordingly he marched against it, and after an obstinate defence laid it entirely in ruins.

(34) *Ut idem, cum Jugurtha, cum Cimbris, cum Theutonis.*] It was in the war against Jugurtha that Marius first signalized himself, and by his success so gained the confidence of the Roman people, that they considered him as their surest refuge in time of danger. Accordingly when the Cimbri had in several battles defeated the armies of the republic, Marius was pitched upon as the only person capable to defend the state in that extremity. He marched against them, and overcame them

SECT. XX. It now remains that I speak to the opinion and judgment of Q. Catulus, who having put the question, that if, in all emergencies, you placed your hopes on Pompey alone, to whom could you have recourse in case of any disaster befalling him? He reaped the genuine fruit of his own virtue and dignity, when, with unanimous voice, you called out, that, in such an event, he himself was the man on whom you would rest your hopes. And, indeed, he is a man of such a character, that no undertaking is so great or difficult, which he cannot direct by his counsels, support by his integrity, and terminate by his valour. But, in the point now before us, I entirely differ from him; because the more uncertain, and the shorter human life is, the more it behoves the commonwealth, while the gods indulge that favour, to avail herself of the virtues and talents of a great man. But it is dangerous to allow of innovations contrary to the customs and precedents of former ages. I shall not observe here, that our ancestors in peace always adhered to custom, but, during war, yielded to necessity; that they were ever ready to change their measures, as new emergencies required an alteration of counsels: neither shall I take notice, that two very important wars, the Carthaginian and the Spanish, were finished by one general; that two very powerful cities, Carthage and Numantia, which threatened to check the growth of our empire, were both destroyed by the same Scipio? I shall not mention the late example of C. Marius, upon whom you and your fathers thought it proper to rest your whole hopes of empire, and commit to his sole management the wars with Jugurtha, with the Teutones, and with the Cimbri. I shall only desire you to call to mind, how many things, contrary to custom, passed in the case of this very Pompey, with the hearty concurrence of Catulus, who now so strenuously opposes the granting him any new powers.

SECT. XXI. For what could be more contrary to custom, than for a young man, without any public character, at a juncture dangerous to his country, to levy an army? He did levy one. To command it in person? He did command it. To conduct it with ability and success? He did with both. What could be more unprecedented, than to commit the charge of an army, and province to a mere youth, whose age fell far short of that usually required in a senator? to entrust him with the govern-

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in two battles, in which he slew two hundred thousand of them, and took ninety thousand prisoners. Such as escaped the slaughter joined themselves to the Teuto-

nnes: but Marius, proving no less successful against them, killed forty thousand, and made above sixty thousand prisoners.

dari? Siciliam permitti atque Africam, bellumque in ea administrandum? Fuit in his provinciis singulari innocentia, gravitate, virtute: bellum in Africa maximum confecit, victorem exercitum deportavit. Quid verò tam inauditum, quād equitem Rom. triumphare? at eam quoque rem populus Romanus non modò vidit, sed etiam studio omni visendam putavit. Quid tam inusitatum quād ut, cùm duo Consules clarissimi fortissimique essent, Eques Rom. ad bellum maximum, formidolosissimumque pro Consule mitteretur? missus est. Quo quidem tempore, cùm esset non nemo in Senatu, qui diceret, Non oportere mitti hominem privatum pro Consule; L. Philippus dixisse dicitur, Non se illum suā sententiā pro Consule, sed (35)pro Consulibus mittere. Tanta in eo reipublicae bene gerendae spes constituebatur, ut duorum Consulum munus unius adolescentis virtuti committeretur. Quid tam singulare, quād ut ex Senatusconsulto legibus solutus, Consul antè fieret, quād ullum alium Magistratum per leges capere licuisset? (36) Quid tam incredibile, quād ut iterum Eques Rom. ex s. c. triumpharet? Quae in omnibus hominibus nova post hominum memoriam constituta sunt, ea tam multa non sunt, quād haec, quae in hoc uno homine vidimus. Atque haec tot exempla, tanta ac tam nova, profecta sunt in eundem hominem à Q. Catulo, atque à caeterorum ejusdem dignitatis amplissimorum hominum auctoritate.

XXII. Quare videant, ne sit periniquum, et non ferendum, illorum auctoritatem de Cn. Pompeii dignitate à vobis comprobatum semper esse: vestrum ab illis de eodem homine judicium, populique Rom. auctoritatem improbari: praesertim cùm jam suo iure populus Romanus in hoc homine suam auctoritatem vel con-

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(35) *Pro consulibus mittere.*] The two consuls at that time were Lepidus and Catulus, men of considerable reputation both in politics and war. It could not therefore but redound much to the honour of Pompey, that, in the opinion of so wise and able a senator as L. Philippus, he was to be entrusted preferably to two such consuls, with the conduct of a dangerous and difficult war.

(36) *Quid tam incredibile, quād ut iterum eques Romanus ex senatus-consulto triumpharet?*] Pompey, as we learn from this oration of Cicero, was honoured with two triumphs, while he was no more than a Roman knight. In speaking of the first, he makes no mention of the senate; and

only says of the people, that they expressed their joy by acclamations, and an universal concourse. For Sylla, as dictator, taking upon himself the management of all affairs both public and private, granted Pompey, whom he had sent with a command into Sicily, the honour of a triumph, without consulting the senate, or receiving any address from the people. The second triumph is said to have been in consequence of a decree of the senate, the people no way interposing in the affair. The reason of this is, that Sylla having abolished the tribunitial power, the administration of the commonwealth was wholly in the hands of the senate; insomuch that the people had no part, ei-

ment of Sicily and Afric, and the conduct of the war in those parts? He behaved notwithstanding with singular integrity, wisdom, and courage; terminated the war in Africa with success; and brought home his army victorious. Was there ever an instance of a Roman knight honoured with a triumph? yet this sight the people of Rome not only beheld, but considered as of all others the most desirable, and worthy their regard. Was it ever known, when we had two consuls of distinguished valour and renown, that a Roman knight should be sent in place of one of them, to command in a great and formidable war? Yet he was sent; and when some, at that time, objected in the senate, that a private man ought not to be sent in place of a consul, L. Philippus is reported to have said, that it was his opinion he should be sent, not in place of one, but of both the consuls. So well were all men persuaded of his capacity for the administration of public affairs, that, though but a youth, he was entrusted with the functions of two consuls. What could be more extraordinary, than that the senate should, for his sake, dispense with the laws, and suffer him to be chosen consul, before he was of an age to exercise the lowest magistracy? What could be more incredible, than that, while only a Roman knight, he should be a second time permitted to triumph by a decree of the senate? All the novelties that have happened among men, since the first memory of time, fall short of those that meet in the person of Pompey alone. And what is still more, all these numerous honours, new and extraordinary as they are, were conferred upon him by the advice of Q. Catulus, and other illustrious persons of the same dignity.

SECT. XXII. It behoves them therefore to consider, whether it may not seem unjust and presumptuous, if, after having been so warmly seconded by you in the design of promoting and honouring Pompey, they should now oppose your judgment, and the authority of the Roman people, in favour of the same person: especially as you are armed with sufficient power to support your choice against all opposition; having already, in spite of their

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her in making laws or granting triumphs. We may observe farther, that, in consequence of this abolition of the power of the tribunes, Cicero says, a little higher, that the senate, not the people, dispensed with the laws in favour of Pompey, and admitted him to sue for the consulship, before he was qualified to hold any other magistracy. For, by the Villian law, no man could be consul till he had arrived at

the forty-second year of his age: And the Cornelian laws excluded from this office all who had not been quaestors and praetors. Now Pompey, though in his thirty-fifth year, had enjoyed neither of these dignities. This explains what the orator says, that he was permitted to sue for the consulship, before he was qualified for holding any other magistracy. For there was a law subsisting, made, or, as some

tra omnes qui dissentunt, possit defendere: propterea quod, istis reclamantibus, vos unum illum ex omnibus delegistis, quem bello praedonum preeponeretis. Hoc si vos temerè fecistis, et reipublicae parum consoluistis; rectè isti studia vestra suis consiliis regere conantur; sin autem vos plus tum in republica vidiatis, vos, his repugnantibus, per vosmet ipsos dignitatem huic imperio, salutem orbi terrarum attulistis: aliquando isti principes, et sibi, et caeteris, populi Romani universi auctoritati parendum esse fateantur. Atque in hoc bello Asiatico, et regio, non solùm militaris illa virtus, quae est in Cn. Pompeo singularis, sed aliae quoque virtutes animi multae et magnae requiruntur. Difficile est in Asia, Cilicia, Syria, regnisque interiorum nationum ita versari vestrum Imperatorem, ut nihil aliud quam de hoste ac de laude cogitet: deinde etiam si qui sunt pudore ac temperantia moderatores, tamen eos esse talcis propter multitudinem cupidorum hominum nemo arbitratur. Dificile est dictu, Quirites, quanto in odio simus apud exterias nationes, propter eorum, quos ad eas per hos annos cum imperio misimus, injurias ac libidines. Quod enim fanum putatis in illis terris nostris Magistratibus religiosum, quam civitatem sanctam, quam domum satis clausam ac munitam fuisse? Urbes jam locupletes ac copiosae requiruntur, quibus causa belli propter diripiendi cupiditatem inferatur. Libenter haec coram cum Q. Catulo et Q. Hortensio disputationem, summis et clarissimis viris: neverunt enim sociorum vulnera, vident eorum calamitates, querimonias audiunt. Pro sociis vos contra hostes exercitum mittere putatis, an hostium simulatione, contra socios atque amicos? Quae civitas est in Asia, quae non modò unius Imperatoris, aut Legati, sed unius Tribuni militum animos ac spiritus capere possit?

XXIII. Quare, etiamsi quem habetis, qui, collatis signis, exercitus regios superare posse videatur; tamen, nisi erit idem, qui se à pecuniis sociorum, qui ab eorum conjugibus ac liberis, qui ab ornamentiis sanctorum atque oppidorum, qui ab auro gazaque regia manus, oculos, animum cohibere possit, non erit idoneus qui ad bellum Asiaticum regiumque mittatur. Ecquam putatis civitatem pacatam fuisse, quae locuples sit? ecquam esse locupletem, quae istis pacata esse videatur? Ora maritima, Quirites, Cn. Pompeium non solùm propter rei militaris

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think, only revived by Sylla, declaring all those incapable of standing candidates for any other magistracy, who had not first discharged the office of quaestor. Now Pompey had never been quaestor, and for

that reason was only in the order of knights, not of senators: For, by a law of Sylla, the dictator, the quaestorship was the first dignity that entitled to a place in the senate.

endeavours to prevent it, singled out this man from amongst all your other generals, to command in the war with the pirates. If you did this rashly, and without due regard to the interests of your country, they have reason to interpose their authority, and endeavour to rectify your deliberations. But if you formed a truer judgment of what was advantageous to the state: if, though opposed by them, you took the justest measures for securing the dignity of the empire, and the repose of the universe; let these rulers of the senate at length acknowledge, that both they and others ought to submit to the authority of the whole body of the Roman people. But in this Asiatic war against two powerful kings, there is not only occasion for those military talents so conspicuous in Pompey, but for many other great and eminent virtues. It is difficult in Asia, Cilicia, Syria, and other nations so remote from Rome, for a general to behave in such a manner, as that he shall think of nothing but war and conquest. And even where modesty and temperance hold some under restraint, yet nobody believes it, so great is the number of the greedy and rapacious. It is indeed impossible to express, Romans, how odious we are become among foreign nations, on account of the iniquities and oppressions of those whom of late years we have sent to govern them. What temple in these lands have our magistrates left unprofaned? What city have they held sacred? What house has been free from their violations? Pretences are sought to attack every wealthy and opulent place, whose plunder promises to gratify the avarice of our commanders? Willingly would I debate these matters with Q. Catulus and Q. Hortensius, men of eminent worth and dignity. For they are acquainted with the sufferings of our allies, see their distresses, and hear their complaints. Is it against the enemies of Rome, and in defence of your allies, that you send an army; or are you minded under this pretence to attack your friends and confederates? Where is the state in all Asia, that can set bounds to the ambition and avarice, I will not say of a general, or his lieutenants, but of a single tribune of the army?

SECT. XXIII. Supposing therefore you should have a general, who may appear capable of defeating the forces of these two powerful kings in a pitched battle; yet unless he is also one that can restrain his hands, eyes, and thoughts, from the riches of our allies, from their wives and children, from the ornaments of their cities and temples, and from the gold and treasures of their palaces, he is by no means fit to command in an Asiatic and a regal war. Is any state suffered to enjoy tranquillity, that is known to be rich? Or was ever any state rich, which your generals permitted to remain in tranquillity. The sea-coast, O Romans, de-

gloriam, sed etiam propter animi continentiam requisivit; videbat enim populus Romanus non locupletari quotannis pecuniâ publicâ, praeter paucos; neque nos quidquam aliud assequi clas-
sium nomiſte, nisi ut detrimentis accipiendis majore affici turpi-
tudine videremur. Nunc quâ cupiditate homines in provincias,
quibus jacturis, quibus conditionibus proficiscantur, ignorant vi-
delicet isti qui ad unum deferenda esse omnia non arbitrantur?
quasi verò Cn. Pompeium non cùm suis virtutibus, tum etiam
alienis vitiis magnum esse videamus. Quare nolite dubitare quin
huic uni credatis omnia, qui inter annos tot unus inventus sit,
quem socii in urbeis suas cum exercitu venisse gaudeant. Quòd
si auctoritatibus hanc causam, Quirites, confirmandam putatis,
est vobis auctor, vir (37) bellorum omnium maximarumque re-
rum peritissimus P. Servilius: cujus tantae res gestae terrâ mari-
que exstiterunt, ut, cùm de bello deliberetis, auctor vobis gra-
vior esse nemo debeat: est C. Curio, summis vestris beneficiis,
maximisque rebus gestis, summo ingenio et prudentiâ praeditus:
est Cn. Lentulus, in quo omnes, pro amplissimis vestris honori-
bus, summum consilium, summam gravitatem esse cognoscitis:
est C. Cassius, integritate, virtute, constantia singulari. Quare
videte, ut horum auctoritatibus, illorum orationi qui dissentiant,
respondere posse videamur.

XXIV. Quae cùm ita sint, C. Manili, primùm (38) istam
tuam et legem, et voluntatem, et sententiam laudo, vehementissi-
mèque comprobo: deinde te hortor, ut auctore populo Romano
maneas in sententiâ, neve cujusquam vim, aut minas pertimes-
cas. Primùm in te satis esse animi, constantiaeque arbitror: de-
inde cùm tantam multitudinem cum tanto studio adesse videa-
mus, quantam non iterum in eodem homine praeficiendo vidi-
mus; quid est, quòd aut de re, aut de perficiendi facultate du-
bitemus? Ego autem, quidquid in me est studii, consilii, labo-
ris, ingenii, quidquid hoc beneficio populi Romani, atque hâc
potestate praetoriâ, quidquid auctoritate, fide, constantiâ pos-
sum, id omne ad hanc rem conficiendam tibi et populo Romano
policeor et defero; testorque omnes deos, et eos maxime qui huic

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(37) *Bellorum omnium maximarumque rerum peritissimus P. Servilius.*] This Publius Servilius was sent to the piratic war after Antony, and vanquished the enemy with great slaughter. But not content with driving them from the seas, he made himself master of Phaselis and Olympus, two very strong cities, the chief repositories of their plunder. He likewise subdued the Isauri in Cilicia, and thence obtained the surname of Isauricus.

(38) *Istam tuam legem, &c.*] This law was very displeasing to the avowed patriots of those times; not only because they thought it an infringement of public liberty, that one man should engross all the military commissions of importance, but because of the slight that was thereby put upon Lucullus, whose great actions, and love to his country, merited a very different return.

manded Pompey, not only on account of his military glory, but likewise for his known probity and moderation of mind. The Roman people observed, that the public money, from year to year, enriched only a few ; and that all the advantage we gained by the empty name of a fleet, was an increase of infamy from repeated losses. Are those who oppose the conferring such an extensive command upon one person, ignorant with what avaricious views, through what a profusion of bribery, and on what infamous conditions, our magistrates now repair to their provinces ? Insomuch that Pompey appears no less great by the contrast of their vices, than by the lustre of his own proper virtues. Therefore hesitate no longer to commit all to the care of a man, who alone, of late years, has so far gained the confidence of your allies, that they rejoice to see him enter their cities at the head of an army. But if you think it likewise needful, Romans, that in a point so material your choice should be backed by authorities, I can name P. Servilius, a man eminently skilled in war and great affairs ; one whose exploits by sea and land have acquired him so much reputation, that in all military deliberations, no man's opinion ought to challenge greater regard. I can name C. Curio, so distinguished by your signal favours and his own great actions, so illustrious for his matchless abilities and prudence. I can name Cn. Lentulus, in whom you have always found a capacity and talents equal to the great honours you have conferred upon him. In fine, I can name C. Cassius, who, for integrity, probity, and firmness, acknowledges no superior. Thus you see how easily, by the authority of so many great men, we can put to silence those who oppose this law.

SECT. XXIV. For all these reasons, C. Manilius, I here, in the first place, declare my entire approbation of your law, your purpose, and your opinion : in the next place, I exhort you, with the assistance of the Roman people, to continue unshaken in this purpose, and to suffer no threats nor violence to daunt you. In fact, I have no reason to doubt of your courage and firmness : and as we are supported with a greater zeal and unanimity, than was ever known in the like case before ; what ground have we, either to distrust the measure itself, or our success in the prosecution of it ? For my own part, whatever talents I enjoy from nature, or have acquired by application and study ; whatever influence I derive from the favours of the Roman people, and the praetorian dignity wherewith they have invested me ; whatever I can effect by my authority, fidelity, and perseverance ; I here promise and make it all over to you and my fellow-citizens, for the carrying of this point. I attest all the gods, particularly those who preside over this place and temple, and

loco temploque praesident, qui omnium menteis eorum, qui ad rempubl. adeunt, maximè perspiciunt, me hoc neque rogatu facere cujusquam, neque quò Cn. Pompeii gratiam mihi per hanc causam consiliari putem, neque quò mihi ex cujusquam amplitudine, aut praesidia periculis, aut adjumenta honoribus quaeram: propterea quòd pericula facile, ut hominem praestare oportet, innocentia tecti pellemus; honores autem, neque ab uno, neque ex hoc loco, sed eādem nostrā illā laboriosissimā ratione vitae, si vestra voluntas feret, consequemur. Quamobrem quidquid in hāc causā mihi susceptum est, Quirites, id omne me reipublicae causā suscepisse confirmo: tantūmque abest ut aliquam bonam gratiam mihi quaesisse videar, ut multas etiam simultates partim obscuras, partim apertas, intelligam, mihi non necessarias, vobis non inutiles, suscepisse. Sed ego me hoc honore praeditum, tantis vestris beneficiis affectum, statui, Quirites, vestram voluntatem, et reipublicae dignitatem, et salutem provinciarum atque sociorum, meis omnibus commodis et rationibus praeferre optere.

who see into the real designs of all concerned in the administration of public affairs, that I have not undertaken this part at the solicitations of any person whatever, nor with the view of ingratiating myself with Pompey, nor to procure from any one's greatness, a shelter against dangers, or an increase of honours: for as to dangers, I shall always easily repel them by my innocence, as it becomes every virtuous man to do: and in the pursuit of honours, I shall neither trust to one man's favour, nor solicit them from this place, but endeavour to merit them by the same labourious course of life, which I have hitherto followed with your approbation. Whatever, therefore, I have done in this cause, Romans, I here affirm was done with a view to the good of my country: and so far have I been from pursuing any private interest, that I am sensible I have drawn much hatred upon myself, partly secret, partly open, which I might have avoided, and by which you may profit. But clothed with this honourable office, and indebted as I am to your favours, I consider it as my indispensable duty, to prefer your determinations, the dignity of the commonwealth, and the safety of our provinces and allies, to all partial and particular views of advantage.

ORATIO III.

*PRO C. RABIRIO.**

I. ETSI, Quirites, non est meae consuetudinis, initio dicendi rationem reddere, qua de causa quemque defendam, propterea quòd cum omnibus civibus in eorum periculis semper satis justam mihi causam necessitudinis esse duxi; tamen in hac defensione capititis, famae, fortunarum omnium C. Rabirii, proponenda ratio videtur esse officii mei: propterea quòd, quae justissima mihi causa ad hunc defendendum esse visa est, eadem vobis ad absolvendum debet videri. Nam me cùm amicitiae vetustas, tum dignitas hominis, tum ratio humanitatis, tum meae vitae perpetua consuetudo, ad C. Rabirium defendendum est adhortata: tum verò ut id studiosissimè facerem, salus reip. consulare officium, consulatus denique ipse, mihi unà vobiscum cum salute reipub. commendatus, coëgit. Non enim C. Rabirium culpa delicti, non invidia, vitaeque turpitudo, non denique veteres, justae, gravesque inimicitiae civium in discriminem capititis vocaverunt: sed ut (1) illud sumnum auxilium Majestatis, atque imperii, quod nobis à Majoribus est traditum, de repub. tolleretur; ut nihil post-hac auctoritas senatūs, nihil consulare imperium, nihil consensio bonorum contra pestem ac perniciem civitatis valeret: idcirco in

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* Titus Attius Labienus, Tribune of the people, impeached C. Rabirius of treason, for having thirty-six years before slain Apuleius Saturninus, who had raised a sedition in the city, and was declared by the Senate an enemy to the Roman state. Hortensius, and Cicero, at that time consul, undertook his defence. The cause had been already tried before the Duumviri, where Rabirius being condemned, appealed to the people in their comitia by centuries. It was on this occasion that Cicero made the following speech, great part of which is lost. But the affair never came to an issue. For

the senate dreading the spirit of the people on this occasion, Metellus Celer contrived to dissolve the assembly, by taking away the military ensign from the Janiculum: and Labienus not thinking fit to renew the prosecution, Rabirius escaped.

(1) *Illud sumnum auxilium.*] Cicero means here that famous decree of the senate, by which, in times of public danger, the consuls were enjoined to take care that the commonwealth received no detriment. For, Saturninus having raised a sedition in the city, and the Senate passed the above decree, the consuls ordered the people to

ORATION III.

FOR C. RABIRIUS.

SECT. I. ALTHOUGH it is not usual with me, Romans, in the beginning of my pleading, to give an account of the reasons that induced me to undertake the defence of my client, because I have always considered my connexions with my fellow-citizens, as a sufficient plea for interesting myself in their affairs: yet, as the cause I am now engaged in regards the life, the reputation, and the whole fortunes of C. Rabirius, I think it incumbent upon me to lay before you the motives of my present conduct; because the same reasons that so powerfully induced me to undertake his defence, should no less forcibly urge you to acquit him. For as ancient friendship, the merit of the man, common humanity, and my constant practice through life, jointly called upon me to defend Rabirius: so the safety of the state, my duty as consul, in fine, the consulship itself, which, together with the public tranquillity, has been entrusted to my care in conjunction with you, compelled me to engage zealously in his cause. For it is not any criminal imputation, any jealousy of his conduct, or blemish in his morals; nor, in short, any old, just and weighty resentment of his fellow-citizens, that have brought Rabirius into the present danger; but the design of abolishing out of the commonwealth that sovereign preservative of our majesty and empire, which has been handed down to us from age to age by our ancestors, that the authority of the senate, the power of the consuls, and the concurrence of the honest, might henceforth be of no effect against what threatened the utter ruin and subversion of the state. Accordingly, it is with a view to overthrow all

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arm, and Rabirius, among the rest, joined them. Should he therefore have been condemned on this account, no one would af- terwards have dared to take up arms in consequence of that decree which Cicero here calls the great bulwark of the state.

his rebus evertendis (2) unius hominis senectus, infirmitas, solitudoque tentata est. Quamobrem, si est boni consulis, cum cuncta auxilia reipub. labefactari, convellique videat, ferre opem patriae, succurrere saluti fortunisque communibus, implorare ci-vium fidem, suam salutem posteriorem salute communi ducere; est etiam bonorum et fortium civium, quales vos omnibus reip. temporibus extitistis, intercludere omnes seditionum vias, munire praesidia reipubl. summum in consulibus imperium, summum in senatu consilium, putare; ea qui secutus sit, laude potius et honore quam poenam et supplicio dignum judicare. Quamobrem labor in hoc defendendo praecipue meus est: studium vero conservandi hominis, commune mihi vobiscum esse debet.

II. Sic enim existimare debetis, Quirites, post hominum memoriam rem nullam majorem, magis periculosam, magis ab omnibus vobis providendam, neque a tribuno pleb. susceptam, neque a consule defensam, neque ad populum Rom. esse delatam. Agitur enim nihil aliud in hac causâ, Quirites, quam ut nullum sit posthac in repub. publicum consilium, nulla bonorum consensio contra improborum furorem et audaciam; nullum extremis reip. temporibus perfugium et praesidium salutis. Quae cum ita sint, primum, quod in tanta dimicatione capitis, famae, fortunarumque omnium fieri necesse est, (3) ab Jove Optimo Max. caeterisque diis deabusque immortalibus, quorum ope et auxilio multo magis haec resp. quam ratione hominum et consilio gubernatur, pacem ac veniam peto: precorque ab iis, ut hodiernum diem, et ad hujus salutem conservandam, et ad rempubl. constituendam, illuxisse patientur. Deinde vos, Quirites, quorum potestas proxime ad deorum immortalium numen accedit, oro atque obsecro, quoniam uno tempore vita C. Rabirii, hominis miserrimi atque innocentissimi, salus reip. vestris manibus suffragisque permittitur, adhibeatis in hominis fortunis misericordiam, in reip. salute sapien-

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(2) *Unius hominis senectus, infirmitas, solitudo.*] Rabirius must certainly have been very old at this time: for the death of Saturninus happened thirty-six years before, and he was then a Senator, to which honour no one could be admitted before the age of thirty. We are not therefore to imagine, when Cicero speaks of the weak and helpless condition of Rabirius, that he was utterly destitute of friends. He was a man of quality and interest, had been long a member of the Senate; and by the zeal with which Cicero, Hortensius, and the whole body of the nobility espoused his cause, appears to have been

well supported. But it was a mark of respect which an assembly of the Roman people always expected from those who appeared before them in consequence of a public accusation, that they should be represented as the greatest objects of compassion.

(3) *Ab Jove Optimo Maximo.*] It was an established practice, not only among the Greek Orators, but also among the Roman, to invoke the gods in the beginning of their speeches. Cicero does it with a peculiar grace here; because, not a private cause, and the fortunes of a single man, but the prosperity of the

these bulwarks of the public safety, that an attack is now made upon the old age, weakness, and helpless condition of a single man. If therefore it be the duty of a provident consul, when he sees the main pillars of the commonwealth shaken and almost overturned, to fly to the assistance of his country, to watch over the safety and fortunes of the people, to implore the protection of his fellow-citizens, and to look upon his own safety as but second to that of the state; it is no less incumbent upon brave and honest citizens, such as you have approved yourselves in all the exigencies of the commonwealth, to shut up every avenue of sedition, to strengthen the defences of the state, to be persuaded that the whole executive power of the government resides in the consuls, and the whole deliberative in the senate, and to judge that whoever follows these maxims, is more worthy of praise and honour than pains and penalties. The task therefore of defending Rabirius, falls principally to my share; but the zeal and concern for his preservation ought to be in common to us both.

SECT. II. Your sentiments upon this occasion ought to be, Romans, that, within the memory of man, no cause more important in itself, more dangerous in its consequences, more worthy of your attention in all its parts, was ever undertaken by a tribune of the commons, defended by a consul, or brought before an assembly of the Roman people. For the thing in question, citizens, is no less than that henceforward there be no standing council of the republic; no union of the honest against the madness and presumption of the profligate; no refuge or shelter, in the extreme necessities of the commonwealth. Which being the case: first of all, as becomes me in so mighty a struggle for the safety, honour, and fortunes of every Roman, I implore the forgiveness and favour of the all-powerful and beneficent Jupiter, and of the other gods and goddesses, by whose aid and interposition, much more than by any human prudence and foresight, this government is upheld; and I request that this day may prove a day of deliverance to Rabirius, and of preservation to my country. Next, I entreat and conjure you, Romans, whose power approaches the nearest to that of the immortal gods, since at the same time the life of C. Rabirius, the most innocent and unfortunate of mankind, and the safety of the commonwealth are committed to your care and suffrages, that you will exert that compassion in behalf of the accused, and that prudence for the preservation of your country, which is wont to be so conspicuous in your assemblies.

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whole Roman empire, for which the gods were supposed more immediately interested, was at stake. Jupiter is so called,

quasi juvans pater, and the epithets *optimus*, *maximus*, were those by which he was always addressed.

tiam, quam soletis. Nunc quoniam, (4) T. Labiene, diligentiae meae, temporis angustiis obstitisti, meque ex comparato et constituto spatio defensionis in semihora curriculum coëgisti, parabitur, et, quod iniquissimum est, accusatoris conditioni, et quod miserrimum, inimici potestati. Quamquam in hac praescriptione semihora, patroni mihi parteis reliquisti, consulis ademisti: propterea quod ad defendendum propemodum satis erit hoc mihi temporis, verum ad conquerendum parum. Nisi forte de locis religiosis, ac de lucis, quos ab hoc violatos esse dixisti, pluribus verbis tibi respondendum putas; quo in crimen nihil est unquam abs te dictum, nisi à C. Macro objectum esse crimen id C. Rabirio: in quo, ego demiror, meminisse te, quid objecerit C. Rabirio Mäcer inimicus; oblitum esse quid aequi et jurati Judices judicârint.

III. An de peculatu facto, an (5) de tabulario incenso, longior oratio est expromenda? quo in crimen propinquus C. Rabirio judicio clarissimo C. Curtius pro virtute sua est honestissime liberatus: ipse vero Rabirius non modo in judicium horum criminum, sed ne in tenuissimam quidem suspicionem verbo est unquam vocatus. An de sororis filio diligenter respondendum est, (6) quem ab hoc necatum esse dixisti, cum ad judicii moram familiaris funeris excusatio quaereretur? Quid enim est tam verisimile, quam cariorem huic sororis maritum, quam sororis filium fuisse? atque ita cariorem, ut alter vitam crudelissime privaretur, cum alteri ad prolationem judicii biduum quaereretur? An de servis alienis (7) contra legem Fabiam retentis, aut de civibus Rom. contra legem Porciam verberatis, aut necatis, plura dicenda sunt, cum tanto studio C. Rabirius totius Apuliae, singulari voluntate Campaniae vicinitatis ornetur? cumque ad ejus propul-

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(4) *T. Labiene.*] This is the same Labienus who afterwards served with so much reputation under Caesar in Gaul. He was tribune of the people the same year that Cicero was consul. The orator here complains, that so little time was granted him by the tribune for answering the charge brought against his client; for he was confined to the short space of half an hour, whereas it was usual to allow two hours for the accusation, and three for the defence. But from this it would appear, as Minutius observes, that, in cases of treason, the person who brought the impeachment had a right to prescribe the length of time allowed to the accused for making his defence.

(5) *An de tabulario incenso.*] The place where the register and public acts were kept. When this crime therefore was

objected to Rabirius, the true author was not known; but Q. Socius, some time after, confessed himself guilty.

(6) *Quem ab hoc necatum esse dixisti.*] C. Curtius, brother-in-law to Rabirius, was accused of embezzlement. During the course of the trial his son died; upon which he petitioned for a respite of judgment, that he might have time to attend the funeral of his son. But such was the violence of the times, and the malice of Rabirius's prosecutors, that they pretended he had murdered his nephew, with no other view than to procure a short delay for his brother-in-law. But, as Cicero very well observes here, it was not likely he would incur so much guilt only to gain two days; nor could it be supposed his sister's husband was dearer to him than his sister's son.

And now, T. Labienus, since you have checked my industry by the narrowness of the time, and contracted the usual space allotted for a defence, to the short compass of half an hour, I shall comply with the terms you have thought fit to prescribe; which it is highly unjust should come from an accuser, and dangerous to permit to the power of an enemy. For in this limitation of half an hour, though you have indeed left me the part of a pleader, you have taken from me that of a consul; because the time is sufficient for making my defence, but by no means for entering my complaint. Unless, perhaps, you imagine that I am to spend many words in answer to those profanations of temples and hallowed groves, wherewith you charge Rabirius. But touching this accusation you have said nothing, unless that C. Macer had objected it to him. And here I cannot but express my wonder, that you should remember the spiteful reproaches of Macer, an enemy, and forget the equitable decision of the judges who were upon oath.

SECT. III. Must I enlarge on the charge of embezzlement, and burning the register? A charge of which C. Curtius, a near relation of Rabirius, was most honourably acquitted by an authentic judgment, in consideration of his virtue and innocence: for as to Rabirius himself, he not only was never questioned on this article, but never so much as incurred the slightest suspicion of guilt. Must I answer particularly with regard to his sister's son, whom you pretend he killed, that the necessity of attending the funeral of a relation, might furnish a plea for putting off the trial? For what can be more probable than that his sister's husband was dearer to him than his sister's son? And that too in such a decree, that the one was cruelly deprived of life, to procure a delay of the other's trial for only two days? Am I to enlarge upon the slaves detained in defiance of the Fabian law, or the Roman citizens scourged and put to death contrary to the Porcian law? When the whole country of Apulia, with all the states bordering upon Campania, testify so distinguishing a regard for Rabirius, that not only particular men, but whole regions and communities, to a farther extent than the name and limits of neighbourhood

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(7) *Contra legem Fabiam—legem Porci-*
 [am] The Fabian law provided, that no person, against the will, and without the knowledge of the master, should conceal a slave of another man, or put him in bonds, or artfully entice him away: the Porcian law was enacted by M. Porcius Cato, tribune of the people in the consul-

ship of Valerius and Apuleius. By it no magistrate was permitted to beat a Roman citizen with rods, or put him to death: whereas it had been the practice before, to strip the party quite naked, thrust his neck between the two prongs of a fork, and scourge him to death.

sandum periculum non modo homines, sed prope regiones ipsas convenerint, aliquanto etiam latius excitatae, quam ipsius vicinitatis nomen ac termini postulabant? Nam quid ego ad id longam orationem comparem, quod est in eadem (8) multae irrogatione praescriptum, hunc nec suae, nec alienae pudicitiae pepercisse Quinetiam suspicor, eò mihi semihoram à Labieno praestitutam esse, ut ne plura de pudicitia dicerem. Ergo ad haec crimina quae patroni diligentiam desiderant, intelligis mihi semihoram in istam nimium longam fuisse. Illam alteram partem de nece Sa- turnini, nimis exiguum atque angustum esse voluisti: quae non oratoris ingenium, sed consulis auxilium implorat et flagitat. (9) Nam de perduellionis judicio, quod à me sublatum esse criminis soles, meum crimen est, non Rabirii. Quod utinam, Quirites ego id aut primus, aut solus ex hac repub. sustulisse! utinam quod ille crimen esse vult, proprium testimonium meae laudis esset! Quid enim optari potest, quod ego mallem, quam me in consulatu meo carnificem de foro, crucem de campo sustulisse? Sed ista laus primum est majorum nostrorum, Quirites, qui, expulsis regibus, nullum in libero populo vestigium crudelitatis regiae retinuerunt: deinde multorum virorum fortium, qui vestram libertatem non acerbitate suppliciorum infestam, sed lenitate legum munitam esse voluerunt.

IV. Quamobrem uter nostrum tandem, Labiene, popularis est? tune, qui civibus Romanis in concione ipsa carnificem, quae vincula adhiberi putas oportere? qui in campo Martio, comitiis centuriatis, auspicato in loco, crucem ad civium supplicium defigi et constitui jubes? an ego, qui funestari concionem contagione carnificis veto? qui expiandum forum populi Romani ab illius nefarii sceleris vestigiis esse dico? qui castam concionem, sanctum campum, inviolatum corpus, omnium civium Rom. integrum ius libertatis defendo servari oportere? Popularis vero tribunus pleb. custos defensorque juris et libertatis. Porcia lex virgas a omnium civium Rom. corpore amovit: hic misericors flagellum retulit. Porcia lex libertatem civium lictori eripuit: Labienus homo popularis, carnifici tradidit. C. Gracchus legem tulit,

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(8) *Multae irrogatione.*] The method of proceeding in cases of amercement was this: The magistrates summoned the party to appear before the people on a certain day: he then accused him three times: afterwards, as it was termed, *irrogabat multam*; that is, he petitioned the people to confiscate a certain part of his estate.

(9) *Nam de perduellionis judicio.*] In what respect could Cicero be charged with having abolished the usual forms of proceeding in cases of treason? Not by an law that he had procured to be enacted but by prevailing to have Rabirius tried in the comitia by centuries, and exercising his eloquence and interest to get the sentence of the Duumviri reversed.

require, flock together to ward off the danger that threatens him. Why should I entertain you with a long discourse, in relation to what is contained in the act of amercement, that he spared neither his own chastity, nor that of others? Nay, I am indeed inclined to think, that Labienus has restricted me to the space of half an hour, that I may not enlarge too much upon the subject of chastity. With respect to those points, therefore, that require the exactness of a pleader, he thought this half hour rather too long; but as to that other part of the charge, which concerns the death of Saturninus, and which demands not so much the genius of an orator, as the authority and protection of a consul, he designed the half hour as too short and confined. For as to the forms of proceeding against treason, which I am reproached with having abolished, that accusation lies against me, and not against Rabirius. And indeed, I heartily wish, Romans, that I had been either the first, or the only one, who abolished this out of the commonwealth; and that I could claim as my sole and peculiar glory, what he thinks proper to charge me with as a crime. For what is there I should rather desire, than during my consulship to have banished an executioner from the forum, and removed a cross out of the field of Mars? But the merit of this belongs in the first place to our ancestors, who, upon the expulsion of the kings, would suffer no traces of royal cruelty to remain among a free people; and in the next, to the wise counsels of many brave citizens, whose aim was, not to infest public liberty by the terror of severe punishments, but to secure it by the discipline of mild and wholesome laws.

SECT. IV. Which then, Labienus, is the more popular man of the two? you, who in an assembly of the Roman people awe citizens with the terror of an executioner and chains; who in the Campus Martius, on a consecrated spot, and during the comitia by centuries, order a cross to be erected for the punishment of Roman citizens? or I, who will not suffer an assembly to be polluted by the presence of an executioner? who order the Roman forum to be cleared of all traces of so impious a profanation? who contend for the purity of our assemblies, the sanctity of the field of Mars, that the bodies of Roman citizens remain inviolate, and their liberties be preserved from infringement? A tribune is chosen to be the protector of the people, the guardian and defender of their rights and liberties. The Porcian law forbids stripes to be inflicted on the bodies of Roman citizens: this merciful tribune restores the use of the scourge. The Porcian law rescued citizens from the hands of the lictors: the popular Labienus delivers them over to the executioner. Caius Gracchus passed a law, that no Roman should be capitally tried without your concurrence: this guardian of the people's rights compelled

de capite civium Rom. injussu vestro judicaretur: hic popularis (10) à Duumviris injussu vestro, non judicari de cive Rom. sed indictâ causâ civem Roman. capitîs condemnari coëgit. Tu mihi etiam legis Porciae, tu C. Gracchi, tu horum libertatis, tu cuius quam denique hominis popularis mentionem facis, qui non modò suppliciis inusitatis, sed etiam verborum inauditâ crudelitate, violare libertatem hujus populi, tentare mansuetudinem, commutare disciplinam conatus es? Namque haec tua, quae te hominem clementem popularemque delectant: I, LICITOR, COLLIGA MANUS: quae non modò hujus libertatis, mansuetudinisque non sunt, sed ne Romuli quidem, aut Numae Pompilii: sed Tarquinii superbissimi atque crudelissimi regis (11) ista sunt cruciatûs carmina: quae tu, homo lenis ac popularis, libentissimè com-memoras, CAPUT OBNUBITO, ARBORI INFELICI SUS-PENDITO; quae verba, Quirites, jampridem in hac répub. non solùm tenebris vetustatis, verùm etiam luce libertatis oppressa sunt.

V. An verò, si actio ista popularis esset, et si ullam partem aequitatis haberet aut juris, C. Gracchus eam reliquisset? scilicet tibi graviorem dolorēm patrui tui mors attulit, quām C. Gracchus fratri; et tibi acerbior ejus patrui mors est, quem nunquam vidiisti, quām illi ejus fratri, quīcum concordissimè vixerat: et similis viri tu ulcisceris patrui mortem, atque ille persequeretur fratri sui, si istâ ratione agere voluisset? et par desiderium sui reliquit apud populum Romanum Labienus iste, patruus vester, quisquis fuit, ac Tib. Gracchus reliquerat? An pietas tua major, quām Gracchi? an animus? an consilium? an opes? an auctoritas? an eloquentia? quae si in illo minima fuissent, tamen prae-tuis facultatibus maxima putarentur. Cùm verò his rebus omnibus C. Gracchus omnes vicerit, quantum intervallum tandem inter te atque illum interjectum putas? Sed moreretur priùs acerbissimâ morte millies Gracchus, quām in ejus concione carnifex consisteret; quem non modò foro, sed etiam coelo hoc ac spiritu censoriae leges, atque urbis domicilio carere volnerant. Hic se populariem dicere audet, me alienum à commodis vestris: cùm

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(10) *A Duumviris.*] The Duumviri, as we learn from Suetonius, in his life of Caesar, were first created by Tullus Hostilius, fourth king of Rome, upon occasion of Horatius's murdering his sister; but with the liberty of appealing to the people. Rabirius's cause had been first tried at this tribunal. Caesar was at that time one of the Duumviri, and appeared so eager to condemn the old man, that, as we are told by the historians of those times, nothing did him greater service with the people, than the visible partiality of his judge.

(11) *Ista sunt cruciatûs carmina.*] He means here the form of words in which the law was conceived. For laws, and the decisions given by the magistrates are often in Roman authors styled *carmen*. Thus Livy, in his first book, speaking of this very law, says, *Lex horrendi carminis erat. Duumviri Perduellionem judicent si a Duumviris provocari, provocatione cunctata; si vincent, caput obnubito, arbori infelici reete suspendito; verberato vel intra Pomerium, vel extra Pomerium.* The form of this dreadful law was as follows: "Le-

the Duumviri, not only to try capitally, but to condemn, unheard, a Roman citizen, without applying for your consent. Dare you after this mention to me the Porcian law, the name of Caius Gracchus, the liberty of your fellow-citizens, or the example of any eminent patriot? You, I say, who not only by unprecedeted punishments, but by expressions of unusual barbarity, have attempted to violate the liberties of this people, the mildness of their laws, and the established constitutions of their government. *Go, lictor, bind his hands,* are the words that delight your popular and compassionate ear: words not only repugnant to liberty, and the clemency of the present administration, but such as were not known even to Romulus or Numa Pompilius, and suit only the imperious times of Tarquin, the haughtiest and most merciless of tyrants: yet these, like a mild and popular magistrate, you repeat with rapture, *Cover his head, nail him to the accursed tree:* Words, Romans, that in this state have not only been long ago buried under the ruins of antiquity, but even dissipated by the rays of liberty.

SECT. V. Had this proceeding been popular, had it been in any respect consistent with equity and justice, Caius Gracchus would never have abolished it. Could the death of an uncle grieve you more than that of a brother did Caius Gracchus? Was you more afflicted for the death of an uncle you never saw, than he for the loss of a brother with whom he lived in the strictest union? Will you revenge the death of such a man as your uncle, as he would have done that of his brother, had he been disposed to act upon your principles? Was that uncle of yours, Labienus, whoever we suppose him to be, equally dear to and regretted by the Roman people, as was Tiberius Gracchus? Do you pretend to vie with Caius Gracchus in piety? in courage? in prudence? in interest? in authority? in eloquence? qualities, which even supposing them to have been but moderate in him, yet compared with yours must appear eminent. But as in all these respects Caius Gracchus was the first man of his age, at how vast a distance ought you to place yourself behind him? And yet Gracchus would sooner a thousand times have died the cruellest of deaths, than suffered an executioner to be present in an assembly where he presided: one so odious to this state, that the laws of the censors have not only banished him the forum, but adjudged him unworthy of the common benefits of light, air, and the shelter of a roof within the city. Dare he assume the name

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" the Duumviri judge in matters of treason; If an appeal shall be made to the people, let the cause be tried again before them; If the party shall be cast,	" let his head be bound up, let him be hung on the fatal tree; but first let him be whipped either within or without the Pomerium."
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iste omnes et suppliciorum et verborum acerbitates, non ex memoria vestra, ac patrum vestrorum, sed (12) ex annalium monumentis, atque ex regum commentariis conquisierit: ego omnibus meis opibus, omnibus consiliis, omnibus dictis atque factis repugnârim, et restiterim crudelitati? Nisi fortè hanc conditionem vobis esse vultis, quam servi, si libertatis spem propositam non haberent, ferre nullo modo possent. Misera est ignominia judiciorum publicorum, misera multatio bonorum, miserum exsilium: sed tamen in omni calamitate retinetur aliquod vestigium libertatis; mors denique si proponitur, in libertate moriamur; carnifex verò et obductio capitis, et nomen ipsum crucis, absit, non modò à corpore civium Roman. sed etiam à cogitatione, oculis, auribus Harum enim omnium rerum non solum eventus, atque perpessio, sed etiam conditio, exspectatio, mentio ipsa denique, indigna civi Romano atque homine libero est. An verò servos nostros horum suppliciorum omnium metu, dominorum benignitas (13) unâ vindictâ liberabit: nos à verberibus, ab unco, à crucis denique terrore, neque res gestae, neque acta aetas, neque nostri honores vindicabunt? Quamobrem fateor, atque etiam, T. Labiene, profiteor, et prae me fero, te ex illâ crudeli, importunâ, non tribuniciâ actione, sed regiâ, meo consilio, virtute, auctoritate esse depulsum. Qua tu in actione, quanquam omnia exempla majorum, omnes leges, omnem auctoritatem Senatûs, omnes religiones atque auspiciorum publica jura neglexisti: tamen à me haec in hoc tam exiguo meo tempore non audies; liberum tempus nobis dabitur ad istam disceptationem; nunc de Saturnini crimine ac declarissimi patrui tui morte dicemus.

VI. Arguis occisum esse à C. Rabirio L. Saturninum: et id C. Rabirius multorum testimonii, Q. Hortensio copiosissimè defendant, anteà falsum esse docuit. Ego autem, si mihi esset integrum, susciperem hoc crimen, agnoscerem, confiterer. Utinam hanc mihi facultatem causa concederet, ut possem hoc praedicare.

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(12) *Ex annalium monumentis, ex regum commentariis.*] The Romans, from the very beginning of their state, took care to record all public transactions; appointing the high-priest to write down yearly every thing that happened worthy of notice. These records, referring every event to its proper year, were termed annals. We learn too from Livy, Book I. that the Roman kings wrote commentaries of what passed during their respective reigns.

(13) *Una vindicta.*] This alludes to the ceremony of manumission, which was thus performed: The slave was brought before the consul, and in after times before the praetor, by his master, who, laying his hand upon his servant's head, said to the praetor, *Hunc hominem liberum esse volere manu emittere.* Then the praetor, laying a rod upon his head, called *vindicta*, said, *Dico eum liberum esse more Quiritum.* After this, the lictor, taking the rod out of the praetor's hand, struck the servant.

of a popular magistrate, or brand me as an enemy to your interests; when he is searching for the most rigorous precedents for punishing and passing sentences, not in the records of the present or former age, but in the remote annals of antiquity, and the distant registers of our kings; while I employ all my interest and abilities, all my words and actions, to oppose and resist the encroachments of cruelty? Unless perhaps you are disposed to choose a lot, which slaves themselves could never be brought to endure, unless supported by the prospect of liberty. Wretched is the ignominy of public trials, wretched the confiscation of estate, wretched the punishment of exile: yet, in that whole train of suffering, some footsteps of liberty still remain. Nay, where death itself is proposed as a punishment, we are at least permitted to die free. But an executioner, the muffling up of the head, the dreadful name of the cross, may all these not only never reach the body, but be strangers to the thoughts, eyes, and ears of Roman citizens. For, to say nothing of the presence and feeling of these calamities, the dread, the expectation, in fine, the very mention of them, is unworthy a Roman citizen, and a man nursed in the bosom of liberty. Shall the humanity of a master, by one manumitting blow, deliver our slaves from the terror of all these punishments? And shall neither our great actions, a life spent in the service of our country, nor the honours to which we have been promoted, exempt us from the scourge, from the axe, or from the infamy of the cross? I therefore confess, proclaim, and publicly avow, Labienus, that you was defeated in that cruel, malicious, and not popular, but tyrannical purpose, by my authority, credit, and firmness. But though in this proceeding you ran counter to all the precedents of former times, all the established laws of the state, the standing authority of the senate, the awful ceremonies of religion, and the sacred constitutions of the Augurs; yet shall you hear nothing from me on this head, because of the short time to which I am restricted. These points may be resumed at a more convenient season. At present I shall confine myself to the crime of Saturninus, and the death of your most illustrious uncle.

SECT. VI. You accuse C. Rabirius of having slain L. Saturninus; and C. Rabirius, by the testimony of many witnesses, and the copious defence of Hortensius, has already proved that charge to be false. For my part, was I to choose in this matter, I would own, take with, and avow the crime. Would to heaven I was at liberty to confess, that L. Saturninus, the enemy of the Roman

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several blows on the head, face, and back; and to have his name entered in the common roll of free-men, with the reason of and nothing now remained but *pileo donari*, to receive a cap in token of liberty,

and to obtain that favour.

C. Rabirii manu L. Saturninum hostem populi Romani interfec-tum. (14) Nihil me clamor iste commovet, sed consolatur; cùm indicat esse quosdam cives imperitos, sed non multos; nunquam, mihi credite, pop. Rom. hic, qui silet, Consulem me fecisset, si vestro clamore perturbatum iri arbitraretur. Quanto jam levior est acclamatio! quin continetis vocem, indicem stultitiae vestrae, testem paucitatis? Libenter, inquam, confiterer, si verè possem, aut etiam si mihi esset integrum, C. Rabirii manu L. Saturninum esse occisum: et id facinus pulcherrimum esse arbitrarer; sed quoniam id facere non possum, confitebor id, quod ad laudem minùs valebit, ad crimen non minùs. Confiteor interficiendi Saturnini causâ C. Rabirium arma cepisse. Quid est, Labiene? quam à me graviorem confessionem, aut quod in hunc majus cri-men expectas? nisi verò interesse aliquid putas inter eum qui hominem occidit, et eum qui cum telo occidendi hominis causâ fuit. Si interfici Saturninum nefas fuit, arma sumpta esse contra Saturninum sine scelere non possunt; si arma jure sumpta con-cedis, interfictum jure concedas necesse est.

VII. (15) Fit S. C. ut C. Marius, L. Valerius, Consules, ad-hiberent Tribunos plebis et Praetores, quos eis videretur; ope-ramque darent, ut imperium populi Rom. majestasque conservare-tur: adhibent omnes Tribunos plebis, praeter Saturninum, Prae-tores praeter Glauciam: qui rempublicam salvam esse vellent, ar-ma capere, et se sequi jubent. Parent omnes: ex aedificiis arma-mentariisque publicis arma populo Romano, C. Mario Consule distribuente, dantur. Hic jam, ut omittam caetera, de te ipso, La-biene, quaero: cùm Saturninus Capitolium teneret armatus, esset unà C. Glaucia, C. Saufeius, etiam (16) ille ex compedibus atque

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(14). *Nihil me clamor iste commovet.*] The clamour raised upon this occasion demonstrates that the people were in some measure offended with Cicero, for calling Saturninus the enemy of the Roman people. It was usual in public assemblies, where any part of the magistrate's speech was particularly grateful to those present, to receive it with acclamations; and where, on the contrary, it displeased, to signify their dislike by confused murmurs and a tumultuous clamour. Thus, *Agrar.* 3. *Video quosdam, Quirites, strepitu signifi-care nescio quid.* Cicero, however, affects to despise the present clamour, as the faint effort of a small part of the assembly, which he advises them to drop, since it betrays only their folly, and the inferio-riety of their numbers.

(15) *Fit senatus consultum ut C. Marius.*] The decree here mentioned was that fa-

mous one, by which the consuls were conjoined to take care that the commonwealth received no detriment. This never passed but in times of imminent danger, and was understood to invest the consuls with absolute authority. Cicero, therefore, by observing that Rabirius took up arms in consequence of this decree, justifies him from the charge of treason; as it thence appeared that he acted in obedience to a lawful authority. The tribunes used their utmost endeavours to divest the senate of this power, as it was frequently employed to check their own ambitious designs; but as their succeeding in the attempt would have drawn after it the ruin of the public liberty, they never failed of being vigor-ously opposed by all the true lovers of their country.

(16) *Ille ex compedibus atque ergastulo, Gracchus.*] This was one L. Equitius, who

people, was killed by the hand of C. Rabirius. That clamour disturbs me not, but rather furnishes matter of consolation, as it appears to be no more than the faint effort of a small part of the assembly. The body of the Roman people, who are silent, would never have made me consul, had they thought me capable of being disturbed by so feeble an insult. How the noise sinks! Drop these vain efforts, which serve only to betray your folly, and the inferiority of your numbers. I repeat it again: could I do it consistently with truth, or were I at liberty to make such a declaration, I would gladly confess, that L. Saturninus was killed by the hand of C. Rabirius; nay, I would even proclaim and boast of it, as an action that merited rewards. But as there is no room for this, I will confess what indeed redounds less to his glory, but does not less answer the purpose of your accusation. I confess that C. Rabirius took up arms, with intent to kill Saturninus. What ampler confession would you have, Labienus? What heavier charge against Rabirius? Unless, perhaps, you think there is a difference between killing a man, and taking up arms with intent to kill him. If it was a crime to kill Saturninus, it could not be but criminal to take up arms against him; but if you allow the lawfulness of taking up arms, you must also allow that it was lawful to kill him.

SECT. VII. A decree passed in the Senate, that the consuls C. Marius and L. Valerius should require the assistance of such of the tribunes of the people and praetors, as they thought proper, and take care that the empire and majesty of the people of Rome was preserved inviolate. They called to their aid all the tribunes except Saturninus, all the praetors except Glaucia; and published an edict, that every citizen who wished well to his country, should take up arms and follow them. All obey the summons: arms are distributed to the people from the public magazines and arsenals, by order of C. Marius the consul. And here, not to mention other particulars, let me put the question to you, Labienus; when, on one side Saturninus had seized the Capitol with an armed force, and was joined by C. Glaucia, C. Saufeius, and that Gracchus, who

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pretended to be the son of Gracchus. *Valearius Maximus*, lib. 9. cap. 7. says, *L. Equitium qui se T. Gracchi filium simularo, tribunatumque adversus leges cum L. Saturnino petebat, a C. Mario sextum consulatum gente in publicam custodiam ductus, populus claustris carceris convulsus, raptum humeris suis, per summam uniuersum alacritatem portavit.* "L. Equitius, who pretended to be the son of Tiberius Gracchus, and stood for the tribuneship against all law with C. Saturninus, being committed to public

" prison in the sixth consulship of C. Marius, was set at liberty by the people, who broke open the bars of the prison, snatched him up upon their shoulders, and carried him off with "the greatest ecstasy of joy." Nay, so dear was the name of Tiberios Gracchus to the people of Rome, that they actually raised this impostor to the tribuneship. He was driven along with Saturninus into the Capitol; but, as we learn from Apion, was not killed there.

ergastulo, Gracchus: addam (quoniam ita vis) eódem Q. Labienum patrum tuum: in foro autem C. Marius et L. Valerius Flaccus Coss. pòst cunctus Senatus, atque ille Senatus, quem etiam vos ipsi, qui hos P. conscriptos, qui nunc sunt, in invidiam vocatis, quò faciliùs de hoc Senatu detrahere possitis, laudare consuevistis: cùm equester ordo: at quorum equitum Roman. dii immortales! patrum nostrorum atque ejus aetatis, quae tum magnam partem reipubl. atque omnem dignitatem judiciorum te-nebat: cùm omnes omnium ordinum homines, qui in salute rei-publ. salutem suam repositam esse arbitrabantur, arma cepissent: quid tandem C. Rabirio faciendum fuit? De te ipso, inquam, Labiene, quaero: cùm ad arma Consules ex S. C. vocavissent: cùm armatus (17) M. Æmilius, princeps Senatûs, in comitio constitisset, qui, cùm ingredi vix posset, non ad insequendum sibi tarditatem pedum, sed ad fugiendum impedimento fore putabat: cùm denique Q. Scaevola confectus senectute, praepeditus morbo, mancus, et membris omnibus captus ac debilis, hastili nixus, et animi vim et infirmitatem corporis ostenderet: cùm L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus, omnesque qui tum erant Consulares, pro salute communi arma cepissent: cùm omnes Praetores, cuncta nobilitas ac juventus accurreret, Cn. et L. Domitii, L. Crassus, Q. Mucius, C. Claudius, M. Drusus: cùm omnes Octavii, Metelli, Julii, Cassii, Catones, Pompeii: cùm L. Philippus, L. Scipio, cùm M. Lepidus, cùm D. Brutus, cùm hic ipse P. Servilius, quo tu imperatore, Labiene, meruisti: cùm hic Q. Catulus admodùm tum adolescens, cùm hic C. Curio, cùm denique omnes clarissimi viri cum Consulibus essent: quid tandem C. Rabirium facere convenit? utrùm inclusum atque abditum latere in occulto, atque ignavia suam tenebrarum ac parjetum custodiis tegere? an in Capitolium pergere, atque ibi se cum tuo patruo et caeteris ad mortem propter vitae turpitudinem confugientibus congregare? an cum Mario, Scauro, Catulo, Metello, Scaevolâ, cum bonis denique omnibus coire non modò salutis, verùm etiam periculi societatem?

VIII. Tu denique, Labiene, quid faceres tali in re ac tempore? cùm ignaviae ratio te in fugam, atque in latebras impelleret: improbitas et furor Lucii Saturnini in Capitolium arcesseret: Consules ad patriae salutem ac libertatem vocarent: quam tandem

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(17) *M. Æmilius, princeps senatûs.*] M. Æmilius Scapus was by birth a Patrician, but of a family which poverty had reduced very much. He raised himself to the first honours of the state, by his eloquence and personal merit. Cicero makes frequent mention of him in his writings, and celebrates particularly his

steadiness and solid judgment. When he saw a sedition raised in the city by Saturninus, he exhorted Marius, then consul for the sixth time, to undertake the cause of the commonwealth; and, though in an extreme old age, appeared armed, and leaning on his spear, before the door of the senate-house.

had been drawn from irons and a goal; I will add, since you will have it so, Q. Labienus, your uncle: and on the other appeared in the forum C. Marius and L. Valerius Flaccus, the consuls; behind them the whole body of the senate, that senate you were wont so much to extol, the better to detract from the authority of the present senate, which you endeavour to render odious: when the Equestrian order too, the same that flourished in the time of our fathers, an age that allowed them so large a share in the administration of affairs, and devolved upon them the whole weight of public judgments: immortal gods; what a body of Roman knights! in fine, when men of all ranks, who considered their own safety as connected with that of the state, had taken up arms; what was C. Rabirius in such a case to do? Tell me then, I say, Labienus, when the consuls, in consequence of a decree of the senate, had ordered the people to arms: when M. Emilius, prince of the senate, appeared armed in the place of assembly, and though scarce able to walk, much less to pursue, yet thought his gouty feet would at least hinder his flying: when Q. Scaevola, spent with age, diseased, lame, feeble, and crippled in all his limbs, leaning on a spear, discovered at once the firmness of his soul, and the weakness of his body: when L. Metellus, Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria, Q. Catulus, and all the consular senators of that time, took up arms for the common safety: when all the praetors, all the nobility, and the whole youth of the city ran to join them, Cn. and L. Domitius, L. Crassus, Q. Mucius, C. Claudius, M. Drusus: when all the Octavii, Metelli, Julii, Cassii, Catos, Pompeys: when L. Philippus, L. Scipio, M. Lepidus, D. Brutus, and P. Servilius himself, the general under whom you, Labienus, first began the trade of war: when Q. Catulus, who was then but very young; when C. Curio; in short, when all the most eminent of the city flocked to the consuls: what, I say, did it then become C. Rabirius to do? Was he to lurk and shut himself up in private, covering his cowardice with darkness, and behind walls; or repair to the Capitol, and there associate himself with your uncle and his followers, whom the infamy of their lives drove to seek shelter in death; or join Marius, Scaurus, Catulus, Metellus, Scaevola, in short, all the honest party, sharing with them not only in the means of preservation, but also in the hazard of resistance?

SECT. VIII. And here let me ask you, Labienus, how would you have behaved at such a time, and in such a juncture? When a motive of cowardice prompted you to skulk and fly; when the profligate fury of Saturninus invited you to the Capitol; when, in fine, the consuls called you to arm in defence of liberty and

auctoritatem, quam vocem, cuius sectam sequi, cuius imperio parere potissimum velles? Patruus, inquit, meus cum Saturnino fuit. Quid? pater quicum? quid? propinqui vestri, Equites Romani? quid? omnis praefectura, regio, vicinitas vestra? quid? ager Picenus universus, utrum tribunitium furem, an consularem auctoritatem secutus est? Evidem hoc affirmo, quod tu nunc de tuo patruo praedicas, neminem unquam adhuc de sese esse confessum; nemo est, inquam, inventus tam profligatus, tam perditus, tam ab omni non modo honestate, sed etiam simulatione honestatis relictus, qui se in Capitolio fuisse cum Saturnino fatetur. At fuit vester patruus: fuerit; et fuerit nullâ desperatione rerum suarum, nullis domesticis vulneribus coactus: induxit eum L. Saturnini familiaritas, ut amicitiam patriae praeponeret: idcirco-ne oportuit C. Rabirium desciscere à republica? non comparere in illa armata multitudine bonorum? Consulum voci atque imperio non obedire? Atqui videmus, haec in rerum natura tria fuisse, ut aut cum Saturnino esset, aut cum bonis, aut lateret. Latere mortis erat instar turpissimae: cum Saturnino esse, furoris et sceleris: virtus et honestas, et pudor, cum consulibus esse cogebat. Hoc tu igitur in crimen vocas, quod cum iis fuerit C. Rabirius, quos, amentissimus, fuisset, si oppugnasset; turpissimus, si reliquisset?

IX. (18) At C. Decianus, de quo tu saepe commemoras, quia, cùm hominem omnibus insignem notis turpitudinis P. Furium accusaret, summo studio bonorum omnium, queri est ausus in concione de morte Saturnini, condemnatus est: et Sextus Titius quod habuit imaginem L. Saturnini, domi suae, condemnatus est. Statuerunt Equites Romani illo judicio, improbum civem esse, et non retinendum in civitate, qui hominis hostilem in modum seditiosi imagine aut mortem ejus honestaret, aut desideria imperitorum misericordia commoverit, aut suam significaret imitandae improbitatis voluntatem. Itaque mihi mirum videtur, unde hanc tu, Labiene, imaginem, quam habes, inveneris; nam Sex. Titio damnato, qui istam habere auderet, inventus est nemo. Quod tu si audisses, aut si per aetatem scire potuisses, numquam profectò istam imaginem, quae domi posita pestem atque exsilium Sex. Titio attulisset, in rostra, atque in concionem at-

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(18) *At C. Decianus—Sextus Titius.*] Cicero here intimates that Labienus was more justly chargeable with treason than Rabirius; and adds proofs to support the assertion. For Decianus was condemned for only bemoaning the fate of Saturninus, though he was at that time engaged in a prosecution extremely grateful to all good men. And Sextus Titius, a man of elo-

quence and penetration, as Cicero characterizes him, though otherwise innocent, and extremely popular by reason of the Agrarian law, was nevertheless condemned for having a picture of Saturninus in his house. What therefore might not Labienus expect, who had ventured to expose his picture in a public assembly of the people?

your country; whose authority, whose voice, whose party, whose command, would have then weighed most with you? My uncle, you'll say, was with Saturninus. Right: but with whom was your father? Your friends too, the Roman knights, the whole praefecture, the neighbouring regions, with all the country of Picenum, did they follow the fury of the tribune, or the authority of the consul? This I will venture to affirm, that no man ever yet confessed of himself, what you scruple not to own publicly of your uncle. No one, I say, has been found so profligate, so lost to all sense of shame, so destitute not only of all honesty, but even of the appearance of honesty, as to confess his having been in the Capitol with Saturninus. But your uncle was. 'Tis allowed; and that too without any constraint from domestic misfortunes, or the desperate state of his affairs. We shall allow that his regard for Saturninus induced him to prefer friendship to the love of his country. But was Rabirius therefore to abandon the commonwealth? to refuse appearing in arms with the honest party? to disobey the call and command of the consul? It is evident he had only one of three things to choose: either to join Saturninus, associate with the honest party, or keep himself concealed. But to lie concealed was worse than the vilest death; to join Saturninus would have been the height of impiety and madness; virtue, honour, and a regard for his country, constrained him to follow the party of the consuls. And do you then object it to Rabirius as a crime, that he sided with those whom it would have been the utmost madness to oppose, and in the highest degree infamous to abandon?

SECT. IX. But C. Decianus, whom you so often mention, was condemned for presuming to complain of the death of Saturninus in an assembly of the Roman people; though at the very time, with the highest satisfaction of all good men, he was accusing P. Furius, a man branded with every mark of infamy: and Sextus Titius, for having a picture of him in his house, met with the same fate. The Roman knights by that judgment declared, that he was a bad citizen, and unworthy of the title, who honoured the memory of a seditious and rebellious tribune by having his picture, or endeavoured to raise the pity and regret of the thoughtless multitude, or discovered an inclination to imitate so profligate an example. I cannot therefore but wonder, Labienus, where you have procured that picture; for, after the condemnation of Sextus Titius, no man dared to have one of them in his possession. But if you had ever heard of his fate, or been old enough to know the merits of that cause, you would never have produced in the rostra, and before an assembly of the Roman people, a picture that proved so fatal to Sextus

tulisses, nec tuas unquam rationes ad eos scopulos appulisses, ad quos Sex. Titii afflictam navem, et in quibus C. Deciani naufragium fortunarum videres. Sed in his rebus omnibus imprudentiâ laberis: causam enim suscepisti antiquorem memoriâ tuâ: quae causa antè mortua est, quam tu natus es; qua in causa tute profectò fuisses, si per aetatem esse potuisses, eam causam in judicium vocas. An non intelligis, primùm quos homines, et quales viros mortuos summi sceleris arguas? deinde quot ex iis qui vivunt, eodem criminе in summum capitum periculum arcessas? Nam si C. Rabirius fraudem capitalem admisit, quod arma contra L. Saturninum tulit: huic quidem afferet aliquam depreciationm periculi aetas illa, qua tum fuit: Q. verò Catulum patrem hujus, in quo summa sapientia, eximia virtus, singularis humanitas fuit; M. Scaurum, illâ gravitate, illo consilio, illâ prudentiâ, duos Mucios, L. Crassum, M. Antonium, qui tum extra urbem cum praesidio fuit; quorum in hac civitate longè maxima consilia atque ingenia fuerunt; caeteros pari dignitate praeditos, custodes, gubernatoresque reipub. quemadmodum mortuos defendemus? Quid de illis honestissimis viris, atque optimis civibus, equitibus Rom. dicemus, qui tum unâ cum senatu salutem reipub. defenderunt? quid de tribunis aerariis, caeterorumque ordinum omnium hominibus, qui tum arma pro communi libertate ceperunt?

X. Sed quid ego de iis omnibus, qui consulari imperio paruerunt, loquor? de ipsorum Coss. fama quid futurum est? L. Flaccum hominem cùm semper in repub. tum in magistratibus gerendis, in sacerdotiâ ceremoniisque quibus praeerat diligentissimum, nefarii sceleris ac parricidii mortuum condemnabimus? adjungemus ad hanc labem ignominiamque mortis etiam C. Marii non men? (19) C. Marium, quem verè patrem patriæ, parentem, inquam, vestrae libertatis atque hujusc reip. possumus dicere, sceleris ac parricidii nefarii mortuum condemnabimus? Etenim si C. Rabirio, quod iit ad arma, crucem T. Labienus in campo Martio desigendam putavit: quod tandem excogitabitur in eum

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(19) *C. Marium patrem patriæ.*] Cicero here calls Marius the Father of his country, in consideration of the many services he did her; but especially when he delivered her from the ruin wherewith she was threatened, by the irruption of the Teutones and Cimbri. It does not however appear from history, that Marius was so fast a friend to his country, as the

title here given him seems to imply. On the contrary, his boundless ambition, and desire of engrossing all commissions of importance, proved very fatal to his country, and occasioned the civil war between him and Sylla, in which so much Roman blood was shed. But as Cicero here defends a man, who was attacked for taking up arms at Marius's command, it was natural for

Titius; nor hazarded yourself among those rocks where he perished, and where C. Decianus suffered a shipwreck of all his fortunes. But, in all this, you err through imprudence, having undertaken a cause too old for your memory, and that was dead before you was born; a cause which, though you now arraign, you would doubtless have embraced yourself, had you been old enough. Have you considered, in the first place, how many great and illustrious citizens you accuse, after their death, of the most consummate wickedness? Have you reflected upon the number of those now living, whom, by this accusation, you bring into capital danger? For, if C. Rabirius has incurred the guilt of treason, by taking up arms against L. Saturninus, his tender age, at that time, will yet in some measure plead his excuse: but how shall we be able to defend the memory of Q. Catulus, the father of him now present, a man of consummate wisdom, distinguished virtue, and singular humanity; how that of the grave, judicious, and prudent M. Scaurus; of the two Macii, L. Crassus, and M. Antony, who then lay encamped without the city; men of the first reputation in this state for genius and abilities; and of many others of equal merit and dignity, the guardians and protectors of this commonwealth? What shall we say of those honourable and worthy Roman knights, who, jointly with the senate, stood up for the common safety? What of the quaestors, tribunes, and citizens of all ranks, who took up arms for the public liberty?

SECT. X. But why do I speak of those who obeyed the order of the consuls? What will become of the reputation of the consuls themselves? Shall we brand with the imputation of a monstrous wickedness and parricide, the name and memory of L. Flaccus, who, in the service of his country, in the exercise of public offices, in the priesthood, and in the ceremonies of religion over which he presided, always approved himself the most indefatigable of men? Shall we stain likewise the reputation of the deceased Marius with the same ignominious reproach? Shall we, I say, brand with the imputation of a monstrous villainy and parricide, the memory of C. Marius, whom we may truly style the father of his country, and the parent of your liberty and this commonwealth? For, if C. Rabirius, for taking up arms, was, by Labienus, deemed worthy of being nailed to a cross in the field of Mars, what suitable punishment can be devised for

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him to represent him in the fairest light, | tector of that order, his cause was always and drew a veil over his infirmities. Be- popular, and his memory still dear to the sides, as Marius was of a plebeian family, multitude. and declared himself the patron and pro-

supplicium, qui vocavit? Ac, (20) si fides Saturnino data est quod abs te saepissimè dicitur; non eam C. Rabirius, sed C. Marius dedit: idemque violavit, si in fide non stetit. Quae fides Labiene, quî potuit sine senatusconsulto dari? adeó-ne hospes hujusce urbis, adeó-ne ignarus es disciplinae, consuetudinisquæ nostræ, ut haec nescias; ut peregrinari in aliena civitate, non in tua magistratum gerere videare? (21) Quid jam ista C. Mario inquit, nocere possunt, quoniam sensu et vitâ caret? Itâne verò tantis in laboribus C. Marius, periculisque vixisset, si nihil longius, quâm vitae termini postulabant, spe atque animo de se e gloria sua cogitâsse? at, credo, cùm innumerabiles hostium copias in Italia fudisset, atque obsidione rempub. liberâsse, omnia sua secum unâ moritura arbitrabatur. Non est ita, Quirites neque quisquam nostrûm in reipub. periculis cum laude ac virtute versatur, quin spe posteritatis fructuque ducatur. Itaque cùm multis aliis de causis, virorum bonorum mentes divinae mihi atque aeternae videntur esse, tum maximè quòd optimi et sapientissimi cujusque animus ita praesentit in posterum, ut nihil, nisi sempiternum spectare videatur. Quapropter equidem et C. Marii, et caeterorum virorum, sapientissimorum ac fortissimorum civium, mentes, quae mihi videntur ex hominum vita ad deorum religionem et sanctimoniam demigrâsse, testor, me pro illorum fama, gloria, memoria, non secus ac pro patriis fanis atque delubris propugnandum putare: ac, si pro illorum laude mihi arma capienda essent, non minùs strenuè caperem, quâm illi pro communi salute ceperunt. Etenim, Quirites, exiguum nobis vita curriculum natura circumscriptis, immensum gloriae.

XI. Quare si eos, qui jam de vita decesserunt, ornabimus justiorem nobis mortis conditionem relinquemus. Sed si illos Labiene, quos jam videre non possumus, negligis; ne his quidem, quos vides, consuli putas oportere? neminem esse dico eiis omnibus qui illo die Romae fuerint, quem tu diem in judicium vocas, pubesque tum fuerint, quin arma ceperit, quin consules secutus sit; omnes ii, quorum tu ex aetate conjecturam facere po-

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(20) *Si fides Saturnino data est.*] Saturninus having retired to the Capitol, Marius invested it, and the sooner to compel him to a surrender, ordered the pipes that supplied it with water to be cut. This, in a short time, obliged him to think of submitting to the consuls, who promised to protect him from violence, and procure him a fair trial. He was for this purpose confined in the senate-house, but the people forcibly break-

ing in, massacred him, with all his associates.

(21) *Quid jam ista.*] It began to be prevailing notion at that time, that death was the utter annihilation of man, and that neither honour nor disgrace reached beyond the grave. Cicero here declares himself an enemy to these principles which were first publicly maintained by Epicurus, and found but too many favourers both among the Greeks and Romans.

those who commanded him to take up arms? And, if the public faith was plighted to Saturninus, as you frequently affirm, it was plighted, not by C. Rabirius, but by C. Marius; and to him the violation must be ascribed, if any such can be made appear. But how, Labienus, could the public faith be plighted, without a decree of the senate? Are you so much a stranger to this city, so unacquainted with our laws and customs, as to be ignorant of the common practice in this respect? Sure one would take you for a sojourner in some foreign state, not a person hearing a magistracy in your own. But what harm, says he, can these reproaches do to C. Marius, who now ceases to live, and is no more? And, is this in reality your way of thinking? Would C. Marius have lived in perpetual toils and dangers, if he had conceived no hopes concerning himself and his glory beyond the limits of this life? When he defeated those innumerable enemies in Italy, and saved the republic, did he imagine that every thing which related to him would die with him? No; it is not so, citizens; there is not one of us who exerts himself with praise and virtue in the dangers of the republic, but is induced to it by the expectation of a futurity. As the minds of men therefore seem to be divine and immortal for many other reasons, so especially for this, that, in all the best and the wisest, there is so strong a sense of something hereafter, that they seem to relish nothing but what is eternal. I appeal then to the souls of C. Marius, and of all those wise and worthy citizens, who, from this life of man, are translated to the honours and sanctity of the gods; I call them, I say, to witness, that I think myself bound to fight for their fame, glory, and memory, with as much zeal as for the altars and temples of my country; and, if it were necessary to take up arms in defence of their praise, I should take them as strenuously as they themselves did for the defence of our common safety. For nature has circumscribed life within narrow limits, but proposes to us a boundless race of glory.

SECT. XI. If then we honour those who have lived before us, we leave a just claim to be honoured in our turn by posterity.—But if, Labienus, you are unconcerned about those whom we can now behold no more; ought you not at least to shew some regard to those who are present before our eyes? I will venture to affirm, that, of all those in this assembly, who were at Rome on the day which you impeach, and of an age to bear a part in the transactions of it, there is not a man who did not take up arms, and follow the party of the consuls. Yet all these, whose number you may compute from their ages, are capitally impeached by you in the person of C. Rabirius, for what

tes, quid tum fecerint, abs te rei capit is, C. Rabirii nomine ci-
tantur. At occidit Saturninum Rabirius; utinam fecisset; non
supplicium deprecarer, sed praemium postularem. Etenim si
Scaevae, servo Q. Crotonis, qui occidit L. Saturninum, libertas
data est; quod Equiti Rom. praemium dari par fuisse? et si C.
Marius, quòd fistulas, quibus aqua suppeditabatur Jovis Optimi
Maximi templis ac sedibus, praecidi imperárat, quòd in clivo
Capitolino improborum civium.....
.....*Desunt, ut videtur, non pauca.*

they did that day. But Rabirius gave Saturninus the mortal blow. I wish he had ; I should then be soliciting a reward, not an exemption from punishment. For if Scaeva, the slave of Q. Croto, was rewarded with freedom for having killed Saturninus, what recompence might not a Roman knight expect ? And if C. Marius, for ordering the pipes to be cut that supplied the temple of the great Jupiter with water, because the capitol was in the hands of profligate citizens.....
.....*The rest of this oration is lost.*

ORATIO IV.

I. IN L. CATILINAM.*

I. QUOUSQUE tandem abutere, Catilina, patientiam nostram? quamdiu etiam furor iste tuus nos eludet? quem ad finem sese effrenata jactabit audacia? nihil-ne te (1) nocturnum praesidium palatii, nihil urbis vigiliae, nihil timor populi, nihil consensus bonorum

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* L. SERGIUS CATILINE was of Patri-
cian extraction, and had sided with Sylla,
during the civil wars between him and
Marius. Upon the expiration of his
praetorship, he was sent to the govern-
ment of Africa; and, after his return, was
accused of mal-administration by P. Clo-
dius, under the consulship of M. Emilius
Lepidus and L. Volcatius Tullus. It is
commonly believed that the design of the
conspiracy was formed about this time,
three years before the oration Cicero here
pronounces against it. Catiline, after his
return from Africa, had sued for the con-
sulship, but was rejected. The two fol-
lowing years he likewise stood candidate,
but still met with the same fate. It ap-
pears that he made a fourth attempt, un-
der the consulship of Cicero, who made
use of all his credit and authority to ex-
clude him, in which he succeeded to his
wish. After the picture Sallust has drawn
of Catiline, it were needless to attempt his
character here: besides that the four fol-
lowing orations will make the reader suf-
ficiently acquainted with it. The first
speech was pronounced in the senate, con-
vened in the temple of Jupiter Stator, on
the eighth of November, in the six hun-
dred and ninth year of the city, and forty-
fourth of Cicero's age. The occasion of
it was as follows: Catiline, and the other
conspirators, had met together in the
house of one Marcus Lecca; where it
was resolved, that a general insurrection
should be raised through Italy, the diffe-

rent parts of which were assigned to dif-
ferent leaders; that Catiline should put
himself at the head of the troops in Etruria;
that Rome should be fired in many
places at once, and a massacre begun at
the same time of the whole senate and
all their friends, of whom none were to
be spared except the sons of Pompey, who
were to be kept as hostages of their peace
and reconciliation with the father; that in
the consternation of the fire and massacre,
Catiline should be ready with his Tuscan
army to take the benefit of the public
confusion, and make himself master of the
city, where Lentulus in the mean while,
as first in dignity, was to preside in their
general councils; Cassius to manage the
affair of firing it; Cethegus to direct the
massacre. But the vigilance of Cicero
being the chief obstacle to all their hopes,
Catiline was very desirous to see him ta-
ken off before he left Rome: upon which
two knights of the company undertook to
kill him the next morning in his bed, in
an early visit on pretence of business.
They were both of his acquaintance, and
used to frequent his house; and knowing
his custom of giving free access to all, made
no doubt of being readily admitted, as C.
Cornelius, one of the two, afterwards con-
fessed. The meeting was no sooner over,
than Cicero had information of all that
passed in it; for by the intrigues of a wo-
man named Fulvia, he had gained over Cu-
rius, her gallant, one of the conspirators
of senatorian rank, to send him a punctual

ORATION IV.

I. AGAINST CATILINE.

SECT. I. How far, O Catiline, wilt thou abuse our patience? How long shall thy frantic rage baffle the efforts of justice? To what height meanest thou to carry thy daring insolence? Art thou nothing daunted by the nocturnal watch posted to secure

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account of all their deliberations. He presently imparted his intelligence to some of the chiefs of the city, who were assembled that evening, as usual, at his house, informing them not only of the design, but naming the men who were to execute it, and the very hour when they could be at his gate; all which fell out exactly as he foretold; for the two knights met me before break of day; but had the fortification to find the house well guarded, and all admittance refused to them. Next day Cicero summoned the senate to the temple of Jupiter in the Capitol, where it was not usually held but in times of public alarm. There had been several debates before this on the same subject of Catiline's treasons, and his design of killing the consul; and a decree had passed the motion of Cicero, to offer a public reward to the first discoverer of the plot; if a slave, his liberty, and eight hundred pounds; if a citizen, his pardon, and sixteen hundred. Yet Catiline, by a profound dissimulation, and the constant professions of his innocence, still deceived many of all ranks; representing the whole as the fiction of his enemy Cicero, and offering to give security for his behaviour, and to deliver himself to the custody of any whom the senate would name; of M. Ipidus, of the praetor Metellus, or of Cicero himself; but none of them would

receive him; and Cicero plainly told him, that he should never think himself safe in the same house, when he was in danger by living in the same city with him. Yet he still kept on the mask, and had the confidence to come to this very meeting in the Capitol; which so shocked the whole assembly, that none even of his acquaintance durst venture to salute him; and the consular senators quitted that part of the house in which he sat, and left the whole bench clear to him. Cicero was so provoked by his impudence, that, instead of entering upon any business, as he designed, addressing himself directly to Catiline, he broke out into the present most severe invective against him; and with all the fire and force of an incensed eloquence, laid open the whole course of his villainies, and the notoriety of his treasons.

(1) *Nocturnum praesidium palatii.*] The Romans had no standing army at this time, nor any regular guards within the city; but on the discovery of this conspiracy, they had placed a strong garrison in the *palatium*, which was the highest hill in Rome, and served as a citadel. At the same time, they ordered several parties to patrol through the streets, under the command of the *aediles*, and other inferior magistrates, to prevent the conspirators setting fire to the city in the night.

omnium, nihil hic munitissimus habendi senatus locus, nihil horum ora vultusque moverunt? patere tua consilia non sentis? constrictam jam omnium horum conscientiam teneri conjurationem tuam non vides? quid proximam, quid superiore nocte egeris, ubi fueris, quos convocaveris, quid consilii ceperis, quem nostrum ignorare arbitraris? O tempora! ô mores! Senatus haec inteligit, consul videt: hic tamen vivit; vivit? imò verò etiam in Senatum venit: fit publici consilii particeps: notat, et designat oculis ad caudem unumquemque nostrum. Nos autem viri fortes satisfacere reipublicae videamus, si istius furorem ac tela vitemus. Ad mortem te, Catilina, duci jussu consulis jampridem oportebat: in te conferri pestem istam, quam tu in nos omnes jamdiu machinaris. | An verò vir amplissimus, P. Scipio, pontifex maximus, Tib. Gracchum mediocriter labefactantem statum reipublicae privatus interfecit: Catilinam verò, orbem terrae caede atque incendiis vastare cupientem, nos consules perferemus? nam illa nimis antiqua praetereo, (2) quod Q. Servilius Ahala Sp. Melium novis rebus studentem manu suâ occidit. Fuit, fuit ista quondam in hac republica virtus, ut viri fortes acrioribus suppliciis civem perniciösū, quam acerbissimum hostem coércerent. (3) Habemus enim senatusconsultum in te, Catilina, vehemens et grave: non deest reipublicae consilium, neque auctoritas hujus ordinis: nos, nos, dico apertè, consules desumus.

III. Decrevit quondam Senatus, ut L. Opimius Cos. videret, ne quid respublica detrimenti caperet: nox nulla' intercessit; interfec-tus est propter quasdam seditionum suspicione C. Gracchus, clari-ssimus patre natus, avis, majoribus: occisus est cum liberis (4) M.

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(2) *Quod Q. Servilius Ahala Sp. Melium.*] When the city of Rome was afflicted with a great famine, Sp. Melius, a Roman knight, the richest man in the city, bought up great quantities of corn throughout Tuscany, and freely distributed it among the poorer citizens. This gained their affection, and encouraged Melius to aspire to the sovereign power. T. Quinctius Cincinnatus, being named dictator by the senate, to crush Melius, sent his general of the horse, Q. Servilius Ahala, to summon him to appear at his tribunal, to answer the accusations brought against him. Melius refusing to come, and calling the mob to his assistance, Servilius ran him through the body, and thus stopped his ambitious designs. This happened in the three hundred and fourteenth year of Rome, which was three hundred and seventy-six years before Cicero's consulship.

(3) *Habemus enim senatusconsultum in te, Catilina, vehemens et grave.*] The Ro-

man consuls had a very small share of the executive authority in their hands: They were obliged, on every occasion, to lay the affair before the senate, whose orders they were obliged to execute. But, in extraordinary cases, the senate made an act that the consuls should take care that the commonwealth received no detriment; by which words they gave absolute power to the consuls to raise armies, and do whatever they thought proper for the public interest, without having recourse to the senate's advice. By this, they were in effect created dictators; so that Cicero had at this time sufficient power to seize Catiline and his accomplices, and try them without calling a senate; but he chose not to exert his authority, to avoid the odium which might be cast upon him and for other reasons, laid down in the sequel of this oration.

(4) *M. Fulvius, consularis.*] This man though formerly a consul, joined with Catilina

the Palatium? nothing by the city guards? nothing by the consternation of the people? nothing by the union of all the wise and worthy citizens? nothing by the senate's assembling in this place of strength? nothing by the looks and countenances of all here present? Seest thou not that all thy designs are brought to light? that the senators are thoroughly apprised of thy conspiracy? that they are acquainted with thy last night's practices; with the practices of the night before; with the place of meeting, the company summoned together, and the measures concerted? Alas, for our degeneracy! alas, for the depravity of the times! The senate is apprised of all this, the consul beholds it—yet the traitor lives. Lives! did I say? he even comes into the senate; he shares in the public deliberations; he marks us out with his eye for destruction. While we, bold in our country's cause, think we have sufficiently discharged our duty to the state, if we can but escape his rage and deadly darts. Long since, O Catiline, ought the consul to have ordered thee for execution; and pointed upon thy own head that ruin thou hast been long meditating against us all. Could that illustrious citizen, Publius Scipio, sovereign pontiff, but invested with no public magistracy, kill Tiberius Gracchus for raising some slight commotions in the commonwealth; and shall we, consuls, suffer Catiline to live, who aims at laying waste the world with fire and sword? I omit, as too remote, the example of Q. Servilius Ahala, who, with his own hand, slew Spurius Melius, for plotting a revolution in the state. Such, such was the virtue of this republic in former times, that her brave sons punished more severely a factious citizen, than the most inveterate public enemy. We have a weighty and vigorous decree of the senate against you, Catiline; the commonwealth wants not wisdom, nor this house authority; but we, we the consuls, I speak it openly, are wanting in our duty.

SECT. II. A decree once passed in the senate, enjoining the consul L. Opimius to take care that the commonwealth received no detriment. The very same day Caius Gracchus was killed for some slight suspicions of treason, though descended of a father, grandfather, and ancestors, all eminent for their services to the state. Marcus Fulvius, too, a man of consular dignity,

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Gracchus in his attempt to divide the lands, and was named one of the three commissioners for that purpose. They went on for some time, carrying every thing before them in the assemblies of the people, in spite of the senate, and all the nobility. But one of the consul's lictors being kill-

ed by some of the attendants of Gracchus, the senate gave Opimius full power to do as he thought best for the good of the state. The consul commanded all the nobility, with their clients, to appear in arms next morning in the forum, from whence he marched at their head to attack Grac-

Fulvius, consularis. Simili senatusconsulto, C. Mario et L. Valerio Coss. permissa est respub. Num unum diem postea (5) L. Saturninum tribunum pleb. et C. Servilium praetorem mors ac reipub. poena remorata est? At nos vicesimum jam diem patimur hebescere aciem horum auctoritatis; habemus enim hujusmodi senatusconsultum, verum tamen inclusum in tabulis, tanquam gladium in vagina reconditum, quo ex senatusconsulto confessim interfectum te esse, Catilina, convenit. Vivis: et vivis non ad deponendam, sed ad confirmandam audaciam. Cupio, P. C. me esse clementem: cupio in tantis reipublicae periculis non dissolutum videri: sed jam me ipsum inertiae nequitiaeque condemno. Castra sunt in Italia contra rempubl. in Etruriae faucibus collocata: crescit in dies singulos hostium numerus: eorum autem imperatorem castrorum ducemque hostium intra moenia, atque adeo in senatu videimus, intestinam aliquam quotidie perniciem reipublicae molientem. Si te jam, Catilina, comprehendendi, si interfici, jussero, credo, erit verendum mihi, ne non hoc potius (6) omnes boni seriùs a me, quam quisquam crudelius factum esse dicant. Verum ego hoc, quod jam pridem factum esse oportuit, certa de causa nondum adducor, ut faciam; tum denique interficiere, cum jam nemo tam improbus, tam perditus, tam tui similis inveniri poterit, qui id non jure factum esse fateatur. Quamdiu quisquam erit qui te defendere audeat, vives: et vives ita, ut nunc vivis, multis meis et firmis praesidiis obsesus, ne commovere te contra rempublicam possis; multorum te etiam oculi et aures non sentientem, sicut adhuc fecerunt, speculabuntur atque custodient.

III. Etenim quid est, Catilina, quod jam amplius expectes, si neque nox tenebris obscurare coetus nefarios, nec privata domus parietibus continere voces conjurationis tuae potest? si illustrantur, si erumpunt omnia? Muta jam istam mentem: mihi credere: obliviscere caedis, atque incendiorum. Tenetis undique: luce sunt clariora nobis tua consilia omnia, quae etiam mecum licet recognoscas. Meministi-ne me ante diem XII. Kalend. Novemb. dicere in senatu, fore in armis certo die, qui dies futurus esset ante diem VI. Kal. Novembris, C. Manlium audaciae satellitem

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thus and Fulvius, who had assembled several thousands of the lower rank on the Aventine mount. The affair came to blows, and Gracchus, Fulvius, and his sons were slain, with three thousand of their followers, in the year of the city six hundred and thirty-one.

(5) *L. Saturninum et C. Servilium praetorem.*] These two having killed a senator in a tumult, were declared enemies by the senate, who commanded Marius to bring

them to justice. The consul, armed with dictatorial power, attacked them in the Capitol, and obliged them to surrender, with all their followers; after which they were stoned to death by the mob, before they were brought to a trial, in the year six hundred and thirty-four.

(6) *Omnes boni.*] By good men he means the sincere lovers of their country, and such as were anxious to prevent the mischief wherewith it was threatened. The mean-

with his children, underwent the same fate. By a like decree of the senate, the care of the commonwealth was committed to the consuls C. Marius and L. Valerius. Was a single day permitted to pass, before L. Saturninus, tribune of the people, and C. Servilius, the praetor, satisfied by their death the justice of their country? But we, for these twenty days, have suffered the authority of the senate to languish in our hands. For we too have a like decree, but it rests among our records, like a sword in the scabbard; a decree, O Catiline, by which you ought to have suffered immediate death. Yet still you live; nay more, you live, not to lay aside, but to harden yourself in your audacious guilt. I could wish, conscript fathers, to be merciful; I could wish, too, not to appear remiss when my country is threatened with danger; but now I begin to reproach myself with negligence and want of courage. A camp is formed in Italy, upon the very borders of Etruria, against the commonwealth. The enemy increase daily in number. At the same time we behold their general and leader within our walls; nay, in the senate-house itself, plotting daily some intestine mischief against the state. Should I order you, Catiline, to be instantly seized and put to death, I have reason to believe, I should rather be reproached with slowness than cruelty. But at present certain reasons restrain me from this step, which indeed ought to have been taken long ago. Thou shalt then suffer death, when not a man is to be found, so wicked, so desperate, so like thyself, as not to own it was done justly. As long as there is one who dares to defend thee, thou shalt live; and live so as thou now dost, surrounded by the numerous and powerful guards which I have placed about thee, so as not to suffer thee to stir a foot against the republic; whilst the eyes and ears of many shall watch thee, as they have hitherto done, when thou little thoughtest of it.

SECT. III. But what is it, Catiline, thou canst now have in view, if neither the obscurity of night can conceal thy traitorous assemblies, nor the walls of a private house prevent the voice of thy treason from reaching our ears? if all thy projects are discovered, and burst into public view? Quit then your detestable purpose, and think no more of massacres and conflagrations. You are beset on all hands; your most secret counsels are clear as noon-day: as you may easily gather, from the detail I am now to give you. You may remember that, on the nineteenth of October last, I said publicly in the senate, that, before the twenty-

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ing therefore is, that should he order him } but rather think he ought to have done it
to be put to death, no sincere lover of his | sooner.
country would charge him with cruelty,

atque administrum tuae? (7) Num me fefellit, Catilina, non modò res tanta, tam atrox, tam incredibilis, verùm id quod multò magis est admirandum, dies? Dixi ego idem in senatu, caudem te optimatum contulisse in ante diem v. Kal. Novembris, tum, cùm multi principes civitatis Româ, non tam sui conservandi, quâm tuorum consiliorum reprimendorum causâ, profugerunt. Num inficiari potes, te illo ipso die meis praesidiis, mēa diligentiâ circumclusum, commovere te contra rempublicam non potuisse, cùm tu discessu caeterorum, nostrâ tamen, qui remansissimus, caede contentum te esse dicebas. Quid? cùm te Praeneste Kalend. ipsis Novemb. occupaturum nocturno impetu esse confideres; sensisti-ne illam coloniam meo jussu, meis praesidiis, custodiis, vigiliisque esse munitam? nihil agis, nihil moliris, nihil cogitas, quod ego non modò non audiam, sed etiam non videam, planèque sentiam,

IV. Recognosce tandem mecum illam superiorem noctem; jam intelliges multò me vigilare acriùs ad salutem, quâm te ad perniciem reipublicae. Dico te priori nocte venisse (8) inter Falcarios (non agam obscurè) in M. Leccae domum: convenisse eódem complures ejusdem amentiae scelerisque socios; num negare audes? quid taces? convincam, si negas; video enim esse hîc in senatu quosdam, qui tecum unâ fuere. O dii immortales! ubinam gentium sumus? in qua urbe vivimus? quam rempub. habemus? hîc, hîc sunt, in nostro numero, P. C. in hoc orbis terrae sanctissimo gravissimoque consilio, qui de meo, nostrûmque omnium interitu, qui de hujus urbis, atque adeò orbis terrarum exitio cogitent; hosce ego video consul, et de rep. sententiam rogo: et quos ferro trucidari oportebat, eos nondum voce vulnero. | Fuisti igitur apud Leccam eâ nocte, Catilina: distribuisti partes Italiae: statuisti quò quemque proficisci placeret: delegisti quos Romae relinqueres, quos tecum educeres: descriptsisti urbis partes ad incendia: confirmâsti, te ipsum jam esse exiturum: dixisti paululum tibi esse etiam tum morae, quòd ego viverem. (9) Reperti sunt duo equites Romani qui te istâ curâ liberarent,

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(7) *Num me fefellit.*] Cicero here intimates, that he was perfectly acquainted with all Catiline's designs; and we learn from Sallust, that he had his intelligence from Fulvia, with whom Curius, a conspirator of senatorian rank, had an intrigue, and to whom he disclosed all the counsels of the conspiracy.

(8) *Inter Falcarios.*] This is, by some, translated the street of reapers; by others, the street of armourers: For, *venisse inter Falcarios* denotes the same as *venisse in locum ubi sunt Falcarii*; and the word may be interpreted either way.

(9) *Reperti sunt duo equites Romani.*] Authors differ much as to the names of these two knights. Sallust mentions C. Cornelius, a Roman knight, and L. Vargunteius, a senator; in which he disagrees with Cicero, who says they were both knights. Plutarch names them Marcus and Cethegus. But in this he must certainly have been mistaken, since Cicero elsewhere expressly affirms that Cornelius was one of them. It is true, Cornelius was a name also belonging to Cethegus; but it is evident that the C. Cornelius here spoken of was a quite different per-

fifth of the same month, C. Manlius, the confederate and creature of your guilt, would appear in arms. Was I deceived, Catiline, I say not as to this enormous, this detestable, this improbable attempt; but, which is still more surprising, as to the very day on which it happened? I said likewise, in the senate, that you had fixed the twenty-sixth of the same month for the massacre of our nobles, which induced many citizens of the first rank to retire from Rome, not so much on account of their own preservation, as with a view to baffle your designs. Can you deny, that, on that very same day, you ~~were~~ so beset by my vigilance, and the guards I placed about you, that you found it impossible to attempt any thing against the state: though you had given out, after the departure of the rest, how you would nevertheless content yourself with the blood of those that remained? Nay, when, on the first of November, you confidently hoped to surprise Praeneste by night, did you not find that colony secured by my orders, and the guards, officers, and garrison I had appointed? There is nothing you either think, contrive, or attempt, but what I both hear, see, and plainly understand.

SECT. IV. Call to mind only, in conjunction with me, the transactions of last night. You will soon perceive, that I am much more active in watching over the preservation, than you in plotting the destruction of the state. I say then, and say it openly, that last night you went to the house of M. Lecca, in the street called the Gladiators; that you ~~were~~ met there by numbers of your associates in guilt and madness. Dare you deny this? why are you silent? If you disown the charge, I will prove it: for I see some in this very assembly, who were of your confederacy. Immortal gods! what country do we inhabit? what city do we belong to? what government do we live under? Here, here, conscript fathers, within these walls, and in this assembly, the most awful and venerable upon earth, there are men who meditate my ruin and yours, the destruction of this city, and consequently of the world itself. Myself, your consul, behold these men, and ask their opinions on public affairs; and, instead of dooming them to immediate execution, do not so much as wound them with my tongue. You went then, that night, Catiline, to the house of Lecca; you cantoned out all Italy; you appointed the place to which every one was to repair; you singled out those who were to be left at Rome, and those who were to accompany you in person; you marked out the parts of the city destined to conflagration; you declared your purpose of leaving it soon, and said you only waited a little to see me taken off. Two Roman knights undertook to ease you of that care,

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~~son from C. Cornelius Cethegus. For Ce-~~ cero defended P. Sylla. And here, as it
~~theagus was strangled in prison, but this~~ is sometimes of great importance to de-
~~Cornelius was alive at the time when Ci-~~ tect the errors of learned men, to pre-

et sese illâ ipsâ nocte paulo ante lucem me in meo lectulo interfecturos pollicerentur. Haec ego omnia, vix dum etiam coetu vestro dimisso, comperi: domum meam majoribus praesidiis munivi, atque firmavi; exclusi eos, quos tu manè ad me salutatum miseras, cùm illi ipsi venissent, quos ego jam multis viris ad me venturos id temporis esse praedixeram.

V. Quae (10) cùm ita sint, Catilina, perge quò coepisti: egredere aliquando ex urbe: patent portae, profiscere: nimirum diù te imperatorem illa tua Manliana castra desiderant; educ tecum etiam omnes tuos; si minus, quamplurimos: purga urbem: magno me metu liberabis, dummodò inter me atque te murus intersit: nobiscum versari jam diutiùs non potes: non feram, non patiar, non sinam.] Magna diis immortalibus habenda est gratia, atque huic ipsi Jovi Statori, antiquissimo custodi hujus urbis, quòd hanc tam tetram, tam horribilē, tamque infestam reipublicae pestem toties jam effugimus. Non est saepius in uno homine salus summa periclitanda reipublicae. Quamdiu mihi, consuli designato, Catilina, insidiatus es, non publico me praesidio, sed privatâ diligentia defendi; cùm proximis comitiis consularibus me consulem in campo, et competitores tuos interficere voluisti, compressi tuos nefarios conatus amicorum praesidio et copiis, nullo tumultu publicè concitato: denique quotiescumque me petisti, per me tibi obstiti: quamquam videbam perniciem meam cum magna calamitate reipublicae esse eonjunctam. Nunc jam apertè rempublicam universam petis; templa deorum immortalium, tecta urbis, vitam omnium civium, Italiam denique totam, ad exitium et vastitatem vocas. Quare quoniam id, quod primum, atque hujus imperii, disciplinaeque Majorum proprium est, facere non audeo; faciam id quod est ad severitatem lenius, et ad communem salutem utilius; nam si te interfici jussero, residebit in republica reliqua conjuratorum manus: sin tu, quod te jamdudum hortor, exieris; exhaustetur ex urbe tuorum comi-

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vent others from falling into the same mistakes, I cannot forbear observing, that Appian, in his account of this transaction, has committed three unpardonable blunders. First, he tells us, that this resolution was not taken, till after Catiline had left the city. Secondly, he makes the two persons who undertook to kill Cicero, to be P. Lentulus and C. Cethegus. But Cicero surely would never have called them two Roman knights, had Lentulus, at that time praetor, been one of them. The third error committed by Appian is, in saying that Cethegus was praetor; according to which, both the assassins must have been of senatorian rank. But it is

apparent that Cethegus was not praetor at this time, otherwise the formality observed with respect to Lentulus, of obliging him to abdicate that magistracy, before he was put to death, would likewise have been practised in the case of Cethegus. But this we nowhere read of; nor was it, I believe, ever suggested by any but the above-mentioned writer.

(10) *Quae cum ita sint.]* The force of the argument lies in this, that, as all his counsels and treasonable designs were discovered, it was to no purpose for him to continue longer in the city, where he must necessarily expect to see all his measures defeated. The best course therefore he

and assassinate me the same night in bed before day-break. Scarce was your assembly dismissed, when I was informed of all this: I ordered an additional guard to attend, to secure my house from assault; I refused admittance to those whom you sent to compliment me in the morning; and declared to many worthy persons beforehand, who they were, and at what time I expected them.

SECT. V. Since, then, Catiline, such is the state of your affairs, finish what you have begun; quit the city; the gates are open; nobody opposes your retreat. The troops in Manlius's camp long to put themselves under your command. Carry with you all your confederates: if not all, at least as many as possible. Purge the city: it will take greatly from my fears, to be divided from you by a wall. You cannot pretend to stay any longer with us: I will not bear, will not suffer, will not allow of it. Great thanks are due to the immortal gods, and chiefly to thee, Jupiter Stator, the ancient protector of this city, for having already so often preserved us from this dangerous, this destructive, this pestilent scourge of his country. The supreme safety of the commonwealth ought not to be again and again exposed to danger for the sake of a single man. While I was only consul-elect, Catiline, I contented myself with guarding against your many plots, not by a public guard, but by my private vigilance. When at the last election of consuls, you had resolved to assassinate me and your competitors in the field of Mars, I defeated your wicked purpose by the aid of my friends, without disturbing the public peace. In a word, as often as you attempted my life, I singly opposed your fury; though I well saw, that my death would necessarily be attended with many signal calamities to the state. But now you openly strike at the very being of the republic. The temples of the immortal gods, the mansions of Rome, the lives of her citizens, and all the provinces of Italy, are doomed to slaughter and devastation. Since therefore I dare not pursue that course, which is most agreeable to ancient discipline, and the genius of the commonwealth; I will follow another, less severe indeed as to the criminal, but more useful in its consequences to the public. For should I order you to be immediately put to death, the commonwealth would still harbour in its bosom the other conspirators; but by driving you from the city, I shall clear Rome

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could take, both for his own safety, and to give vigour to his other designs, was to leave the city, where his presence could no longer be of any service. Cicero, in this whole expostulation, makes use of short, abrupt, and imperfect sentences; a language peculiarly adapted to inspire terror, and give force to command.

tum magna et perniciosa sentina reipublicae. Quid est, Catilina? num dubitas id, me imperante, facere, quod jam tuâ sponte faciebas? exire ex urbe consul hostem jubet; interrogas me, num in exsilium? non jubeo: sed, si me consulis, suadeo.

VI. (11) Quid enim, Catilina, est, quod te jam in hac urbe delectare possit, in qua nemo est extra istam conjurationem perditorum hominum, qui te non metuat, nemo qui te non oderit? quae nota domesticae turpitudinis non inusta vitae tuae est? quod privatarum rerum dedecus non haeret infamiae? quae libido ab oculis, quod facinus à manibus unquam tuis, quod flagitium à toto corpore abfuit; cui tu adolescentulo, quem corruptelarum illecebribus irretivisses, non aut ad audaciam ferrum, aut ad libidinem facem praetulisti? quid verò? nuper, cùm morte superioris uxoris, novis nuptiis domum vacuam fecisses, non-ne etiam alio incredibili scelere hoc scelus cumulâsti? quod ego praetermitto, et facilè patior sileri, ne in hac civitate tanti facinoris immanitas aut exstitisse aut non vindicata esse videatur. Praetermitto ruinas fortunarum tuarum, quas omnes impendere tibi proximis Idibus senties; ad illa venio, quae non ad privatam ignominiam vitiorum tuorum, non ad domesticam tuam difficultatem ac turpitudinem; sed ad summam Reipub. atque ad omnium nostrûm vitam salutemque pertinent. Potest-ne tibi hujus vitae lux, Catilina, aut hujus coeli spiritus esse jucundus, cùm scias horum esse neminem, qui nesciat te (12) pridie Kalendas Januar. Lepido et Tullo Coss. stetisse in Comitio cum telo? manum, consulum et principum civitatis interficiendorum causâ, paravisse? sceleri, ac furori tuo non mentem aliquam, aut timorem tuum, sed fortunam Reipublicae obstisset? Ac jam illa omitto: neque enim sunt aut obscura, aut non multo posteà commissa; quoties tu me designatum, quoties Consulem interficere conatus es? quot ego tuas petitiones

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(11) *Quid enim, Catilina.*] He here lays aside the character of *consul*, and assumes that of a friend and adviser; that what he afterwards says may not appear the result of hatred, but to flow from a compassion for Catiline. He therefore counsels him to leave the city, as he could no longer hope for any real enjoyment of life in a place where he hated every body, and was himself hated by all; where he was continually encountering objects that excited his envy; where he was overwhelmed with an unsurmountable load of debt; and where all his treasonable designs against the commonwealth were fully known. Yet this seeming friendly admonition contains at the same time a very bitter invective against Catiline.

(12) *Pridie kalendas Januarias.*] In the consulship of M. Æmilius Lepidus and L. Volcatius Tullus, P. Autronius and P. Cornelius Sylla were elected consuls for the year ensuing; but being convicted of bribery, they were deposed, and L. Aurelius Cotta, with L. Manlius Torquatus, chosen in their stead. Catiline, who had been convicted of extortion upon an accusation of P. Clodius, and forbid to stand candidate for the consulship, fired with indignation at the affront he had received, entered into a conspiracy with Autronius, Sylla, and several others of the nobility, to murder the consuls on the last day of December, reinstate those that had been deprived, and assume the government of the commonwealth. But Crassus, one of the

at once of the whole baneful tribe of your accomplices. How, Catiline? Do you hesitate to do at my command, what you was so lately about to do of your own accord? The consul orders a public enemy to depart the city. You ask whether this be a real banishment? I say not expressly so: but was I to advise in the case, 'tis the best course you can take.

SECT. VI. For what is there, Catiline, that can now give you pleasure in this city, wherein, if we except the profligate crew of your accomplices, there is not a man but dreads and abhors you? Is there a domestic stain from which your character is exempted? Have you not rendered yourself infamous by every vice that can brand private life? What scenes of lust have not your eyes beheld, what guilt has not stained your hands, what pollution has not defiled your whole body? What youth, entangled by you in the allurements of debauchery, have you not prompted by arms to deeds of violence, or seduced by incentives into the snares of sensuality? And lately, when, by procuring the death of your former wife, you had made room in your house for another, did you not add to the enormity of that crime, by a new and unparalleled measure of guilt? But I pass over this, and choose to let it remain in silence, that the memory of so monstrous a piece of wickedness, or at least of its having been committed with impunity, may not descend to posterity. I pass over too the entire ruin of your fortunes, which you are sensible must befall you in the very next month; and shall proceed to the mention of such particulars, as regard not the infamy of your private character, nor the distresses and turpitude of your domestic life; but such as concern the very being of the republic, and the lives and safety of us all. Can the light of life, or the air you breathe, be grateful to you, Catiline, when you are conscious there is not a man here present but knows, that on the last of December, in the consulship of Lepidus and Tullus, you appeared in the Comitium with a dagger? that you had got together a band of ruffians, to assassinate the consuls, and the most considerable men in Rome? and that this execrable and frantic design was defeated, not by any awe or remorse in you, but by the prevailing good fortune of the people of Rome? But I pass over those things, as being already well known; there are others of a later date. How many attempts have you made upon my life, since I was nominated consul, and since I entered upon the actual execution of that office?

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conspirators, not coming to the assembly of the people that day, and Julius Caesar, who was likewise in the plot, not thinking proper to give the signal agreed upon, of letting his robe drop from his shoulder,

the affair was put off to the fifth of February; when again the project failed, through the too great eagerness of Catiline, who gave the signal before all the conspirators were assembled.

ita conjectas, ut vitari posse non viderentur, parvâ quadam declinatione, et, ut aiunt, corpore effugi? nihil agis, nihil assequeris, nihil moliris, quod mihi latere valeat in tempore: neque tamen conari ac velle desistis. Quoties jam tibi extorta est sica ista de manibus? quoties verò excidit casu aliquo, et elapsa est? tamen eâ carere diutiùs non potes: quae quidem quibus abs te iniciata sacris ac devota sit, nescio, quòd eam necesse putas Consulis in corpore defigere.

VII. Nunc verò, quae tua est ista vita? sic enim jam tecum loquar, non ut odio permotus esse videar, quo debeo; sed ut misericordiâ, quae tibi nulla debetur. Venisti paulò ante in Senatum; quis te ex hac tanta frequentia, ex tot tuis amicis ac necessariis salutavit? Si hoc post hominum memoriam contigit nemini, vocis expectas contumeliam, cùm sis gravissimo judicio taciturnitatis oppressus? Quid, quòd adventu tuo ista subsellia vacua facta sunt? quid, quòd omnes consulares, qui tibi persaepe ad caedem constituti fuerunt, simulatque assedisti, partem istam subselliorum nudam atque inanem reliquerunt? Quo tandem animo hoc tibi ferendum putas? Servi, mehercle, mei, si me isto pacto metuerent, ut te metuunt omnes cives tui, domum meam relinquendam putarem: tu tibi urbem non arbitraris? et, si me meis civibus injuriâ suspectum tam graviter atque infensem viderem, carere me aspectu civium, quâm infestis oculis omnium conspicimale: tu cùm conscientiâ scelerum tuorum agnoscas odium omnium justum, et jam tibi diù debitum, dubitas, quorum mentes sensusque vulneras, eorum aspectum praesentiamque vitare? Si te parentes timerent, atque odisserent tui, neque eos ullâ ratione placare posses, ut opinor, ab eorum oculis aliquò concederes: nunc te patria, quae communis est omnium nostrûm parens, odit ac metuit; et jamdiu de te nihil judicat, nisi de parricidio suo, cogitare: hujus tu neque auctoritatem verebere, neque judicium sequere, neque vim pertimesces? quae tecum, Catilina, sic agit, et quodammodo tacita loquitur: Nullum jam tot annos facinus extitit, nisi per te: nullum flagitium sine te: tibi uni multorum civium neces, tibi vexatio direptioque sociorum impunita fuit, ac libera: (13) tu non solùm ad negligendas leges et quaestiones, ve-

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(13) *Tu non solum ad negligendas leges — verum etiam ad evertendas.*] He may be said to neglect the laws, who acts directly contrary to them, and is not awed by the punishment wherewith they threaten offenders. Again, we may consider him as an overthrower of the laws, who,

though manifestly convicted of breaking them, yet by his credit and address, finds means to snatch himself from the hands of justice. Catiline was twice accused, and the proofs were very flagrant; yet both times he had the address to escape punishment.

How many thrusts of thine, so well aimed that they seemed unavoidable, have I parried by an artful evasion, and, as they term it, a gentle deflection of body? You attempt, you contrive, you set on foot nothing, of which I have not timely information: yet you cease not to concert, and enterprize. How often has that dagger been wrested out of your hands? How often, by some accident, has it dropped before the moment of execution? Yet you cannot resolve to lay it aside. How, or with what rites you have consecrated it, is hard to say, that you think yourself thus obliged to lodge it in the bosom of a consul.

SECT. VII. What are we to think of your present situation and conduct? For I will now address you, not with the detestation your actions deserve, but with a compassion to which you have no just claim. You came, some time ago, into the senate. Did a single person of this numerous assembly, not excepting our most intimate relations and friends, deign to salute you? If there be no instance of this kind in the memory of man, do you expect that I should embitter with reproaches, a doom confirmed by the silent detestation of all present? Were not the benches where you sit forsaken, as soon as you was observed to approach them? Did not all the consular senators, whose destruction you have so often plotted, quit immediately the part of the house where you thought proper to place yourself? How are you able to bear all this treatment? For my own part, were my slaves to discover such a dread of me, as your fellow-citizens express of you, I should think it necessary to abandon my own house: and do you hesitate about leaving the city? Was I even wrongfully suspected, and thereby rendered obnoxious to my countrymen; I would sooner withdraw myself from public view than be beheld with looks full of reproach and indignation. And so you, whose conscience tells you that you are the object of an universal, a just, and a long-merited hatred, delay a moment to escape from the looks and presence of a people, whose eyes and senses can no longer endure you among them? Should your parents dread and hate you, and be obstinate to all your endeavours to appease them, you would doubtless withdraw somewhere from their sight. But now your country, the common parent of us all, hates and dreads you, and has long regarded you as a paricide, intent upon the design of destroying her. And will you neither respect her authority, submit to her advice, nor stand in awe of her power? Thus does she reason with you, Catiline; and thus does she, in some measure, address you by her silence: Not an horinity has happened these many years, but has had you for its author: not a crime has been perpetrated without you: the mur-

rùm etiam ad evertendas perfringendasque valuisti. Superiora illa, quamquam ferenda non fuerunt, tamen, ut potui, tuli: nunc verò me totum esse in metu propter te unum: quidquid increpuerit, Catilinam timeri: nullum videri contra me consilium iniri posse, quod à tuo scelere abhorreat, non est ferendum. Quamobrem discede, atque hunc mihi timorem eripe; si est verus, ne opprimar; sin falsus, ut tandem aliquando timere desinam.

VIII. Haec si tecum, ut dixi, patria loquatur, nonne impeetrare debeat, etiamsi vim adhibere non possit? Quid, quòd tu ipse in custodiam dedisti? quid, quòd vitandae suspicionis causâ, apud M. Lepidum te habitare velle dixisti? à quo non receptus, etiam ad me venire ausus es; atque ut domi meae te asservarem rogâsti. Cùm à me quoque id responsum tulisses, me nullo modo posse iisdem parietibus tutò esse tecum, qui magno in periculo essem, quòd iisdem moenibus contineremur; ad Q. Metellum Praetorem venisti: à quo repudiatus, ad sodalem tuum, virum optimum, M. Marcellum, demigrâsti: quem tu videlicet et ad custodiendum te diligentissimum, et ad suspicandum sagacissimum, et ad vindicandum fortissimum fore putâsti. / Sed quàm longè videtur à carcere atque à vinculis abesse debere, qui seipsum jam dignum custodiâ judicaverit? Quae cùm ita sint, Catilina; dubitas, si hîc emori aequo animo non potes, abire in aliquas terras, et vitam istam multis suppliciis justis debitisque erепtam, fugae solitudinique mandare? Refer, inquis, ad Senatum (id enim postulas), et, si hic ordo sibi placere decreverit, te ire in exsilium, obtemperaturum te esse dicis. Non referam id quo (14) abhorret à meis moribus: et tamen faciam, ut intelligas quic hi de te sentiant. Egredere ex urbe, Catilina: libera rempub metu: in exsilium, si hanc vocem exspectas, proficiscere. Quic est, Catilina? ecquid attendis? ecquid animadvertis horum silentium? patiuntur: tacent: quid exspectas auctoritatem loquen tium, quorum voluntatem tacitorum perspicis? At si hoc iden huic adolescenti optimo, P. Sextio, si fortissimo viro M. Marcell dixisset, jam mihi consuli hoc ipso in templo, jure optimo, Se natus vim et manus intulisset; de te autem, Catilina, cùm quiescant, probant: cùm patiuntur, decernunt: cùm tacent, clamant

NOTES.

(14) *Abhorret a meis moribus.*] As Cicero was by his nature extremely averse to every thing that looked like severity and cruelty, he industriously avoided bringing the matter before the senate, by whom he foresaw Catiline could not fail of being

condemned. For though no sentence could exceed the measure of his crimes, yet ourator chose rather to drive him from the city, as a course that would draw lessodium upon himself and yet prove equally fatal to the conspiracy.

lder of so many of our citizens, the oppression and plunder of our allies, has through thee alone escaped punishment, and been exercised with unrestrained violence: thou hast found means not only to trample upon law and justice, but even to subvert and destroy them. Though this past behaviour of thine was beyond all patience, yet have I borne with it as I could. But now, to be in continual apprehension from thee alone; on every alarm to tremble at the name of Catiline; to see no designs formed against me that speak not thee for their author; is altogether unsupportable. Begone, then, and rid me of my present terror; that, if just, I may avoid ruin; if groundless, I may at length cease to fear.

SECT. VIII. Should your country, as I said, address you in these terms, ought she not to find obedience, even supposing her unable to compel you to such a step? But did you not even offer to become a prisoner? Did you not say, that, to avoid suspicion, you would submit to be confined in the house of M. Lepidus? When he declined receiving you, you had the assurance to come to me, and request you might be secured at my house. When I likewise told you, that I could never think myself safe in the same house, when I judged it even dangerous to be in the same city with you, you applied to Q. Metellus the praetor. Being repulsed here too, you went to the excellent M. Marcellus, your companion; who, no doubt, you imagined would be very watchful in confining you, very quick in discerning your secret practices, and very resolute in bringing you to justice. How justly may we pronounce him worthy of irons and a jail, whose own conscience condemns him to restraint? If it be so, then, Catiline, and you cannot submit to the thought of dying here, do you hesitate to retire to some other country, and commit to flight and solitude a life so often and so justly forfeited to your country? But, say you, put the question to the senate (for so you affect to talk), and if it be their pleasure that I go into banishment, I am ready to obey. I will put no such question; it is contrary to my temper: yet will I give you an opportunity of knowing the sentiments of the senate with regard to you. Leave the city, Catiline; deliver the republic from its fears; go, if you wait only for that word, into banishment. Observe now, Catiline; mark the silence and composure of the assembly. Does a single senator remonstrate, or so much as offer to speak? Is it needful they should confirm by their voice, what they so expressly declare by their silence? But had I addressed myself in this manner to that excellent youth P. Sextius, or to the brave M. Marcellus; the senate would ere now have risen up against me, and laid violent hands upon their consul, in this very temple; and justly too. But with regard to you, Catiline, their silence declares their approbation, their acquiescence amounts to a decree, and by saying nothing they proclaim their consent. Nor

neque hi solum, quorum tibi auctoritas est videlicet ^{cara}, vita vi-
lissima; sed etiam illi equites Rom. honestissimi, atque optimi
viri, caeterique fortissimi cives, qui circumstant senatum: quo-
rum tu et frequentiam videre, et studia perspicere, et voces paulo
antè exaudire potuisti; quorum ego vix abs te jamdiu manus ac
tela contineo; eosdem facile adducam, ut te haec, quae jampridem
vastare studies, relinquenter usque ad portas prosequantur.

IX. Quanquam quid loquor? te ut ulla res frangat? tu ut
unquam te corrigas? Tu ut ullam fugam meditere? tu ullum ut
exilium cogites? Utinam tibi istam mentem dii immortales da-
rent! tametsi video, si meâ voce perterritus ire in exilium ani-
mum induxeris, quanta tempestas invidiae nobis, si minùs in prae-
sens tempus, recenti memoriâ scelerum tuorum, at in posterita-
tem impendeat. Sed est mihi tanti, dummodò ista privata sit ca-
lamitas, et à reipub. periculis sejungatur. Sed tu ut vitiis tuis
commoveare, ut legum poenas pertimescas, ut temporibus reipub.
cedas, non est postulandum; neque enim, Catilina, is es, ut te
aut pudor à turpitudine, aut metus à periculo, aut ratio à furore
revocârit. Quamobrem, ut saepe jam dixi, proficiscere: ac si
mihi inimico, ut praedicas, tuo conflare vis invidiam, rectâ perge
in exilium: vix feram sermones hominum, si id feceris: vix mo-
lem istius invidiae, si in exilium ieris jussu consulis, sustinebo;
sin autem servire meae laudi et gloriae mavis, egredere cum im-
portuna sceleratorum manu: confer te ad Manlium; concita per-
ditos cives; secerne te à bonis; infer patriae bellum; exulta im-
pio latrocinio; ut à me non ejectus ad alienos, sed invitatus ad
tuos îsse videaris. Quamquam quid ego te invitem, à quo jam
sciam esse praemissos, qui tibi ad Forum Aurelium praestolaren-
tur armati? cùm sciam pactam et constitutam esse cum Manlio
diem? à quo etiam (15) aquilam illam argenteam quam tibi ac
tuis omnibus perniciosa esse confido et funestam futuram, cui
domi tuae sacrarium scelerum tuorum constitutum fuit, sciam esse
praemissam? Tu ut illâ diutius carere possis, quam venerari ad
caudem proficiscens solebas? à cujus altaribus saepe istam dex-
tram impiam ad necem civium transtulisti?

NOTES.

(15) *Aquilam illam argenteam.*] It is well known that the eagle was the proper standard of the Roman armies. Each legion had one; and as there were ten cohorts in every legion, the first cohort always claimed the honour of guarding the standard. We learn from history, that the Roman standards, and especially

the eagle, were held in the greatest veneration by the soldiers; who even worshipped them as deities, and swore by them. The eagle of which Cicero here speaks, and which Catiline kept so religiously, is said to have been the same which Marius had in the war with the Cimbri.

is this true of the senators alone, whose authority you affect to prize, while you make no account of their lives; but of these brave and worthy Roman knights, and other illustrious citizens, who guard the avenues of the senate; whose numbers you might have seen, whose sentiments you might have known, whose voices a little while ago you might have heard; and whose swords and hands I have for some time with difficulty restrained from your person. Yet all these will I easily engage to attend you to the very gates, if you but consent to leave this city, which you have so long devoted to destruction.

SECT. IX. But why do I talk? as if your resolution was to be shaken? or there was any room to hope you would reform? Can we expect you will ever think of flight? or entertain the design of going into banishment? May the immortal gods inspire you with that resolution! Though I clearly perceive, should my threats frighten you into exile, what a storm of envy will light upon my own head; if not at present, whilst the memory of your crimes is fresh, yet surely in future times. But I little regard that thought, provided the calamity falls on myself alone, and is not attended with any danger to my country. But to feel the stings of remorse, to dread the rigour of the laws, to yield to the exigencies of the state, are things not to be expected from thee. Thou, O Catiline, art none of those whom shame reclaims from dishonourable pursuits, fear from danger, or reason from madness. Begone then, as I have already often said; and if you would swell the measure of popular odium against me, for being, as you give out, your enemy, depart directly into banishment. By this step you will bring upon me an insupportable load of censure; nor shall I be able to sustain the weight of the public indignation, shouldst thou, by order of the consul, retire into exile. But if you mean to advance my reputation and glory, march off with your abandoned crew of ruffians; repair to Manlius; rouse every desperate citizen to rebel; separate yourself from the worthy; declare war against your country; triumph in your impious depredations; that it may appear you was not forced by me into a foreign treason, but voluntarily joined your associates. But why should I urge you to this step, when I know you have already sent forward a body of armed men, to wait you at the Forum Aurelium? when I know you have concerted and fixed a day with Manlius? when I know you have sent off the silver eagle, that domestic shrine of your impieties, which I doubt not will bring ruin upon you and your accomplices? Can you absent yourself longer from an idol to which you had recourse in every bloody attempt? and from whose altars that impious right hand was frequently transferred to the murder of your countrymen?

X. Ibis tandem aliquando, quò te jampridem tua ista cupiditas effrenata ac furiosa rapiebat; neque enim tibi haec res affert dolorem, sed quandam incredibilem voluptatem: ad hanc te amentiam natura peperit, voluntas exercuit, fortuna servavit; nunquam tu non modò otium, sed ne bellum quidem, nisi nefarium concupisti; nactus es ex perditis, atque ab omni non modò fortuna, verùm etiam spe derelictis, conflatam improborum manum; hic tu quâ laetitiâ perfruere? quibus gaudiis exsultabis? quanta in voluptate bacchabere, cùm in tanto numero tuorum neque audies virum bonum quemquam, neque videbis? Ad hujus vitae studium meditati illi sunt, qui feruntur, labores tui: jacere humi non modò ad obsidendum stuprum, verùm etiam ad facinus obeundum; vigilare non solùm ad insidiandum somno maritorum, verùm etiam bonis occisorum. Habes ubi ostentes illam praeclaram tuam patientiam famis, frigoris, inopiae rerum omnium; quibus te brevi tempore confectum esse senties. Tantum profeci tum, cùm te à consulatu repuli, ut exsul potius tentare, quâ consilium vexare rempub. posses: atque ut id, quod esset à te sceleratè suscepimus, latrocinium potius quam bellum nominaretur.

XI. Nunc ut à me, P. C. quandam propè justam patriae querimoniam detcster ac deprecer; percipite, quaeso, diligenter quae dicam, et ea penitus animis vestris mentibusque mandate. Etenim si mecum patria, quae mihi vitâ mēa multò est carior, si cuncta Italia, si omnis respub. loquatur: M. Tulli, quid agis? tu-ne eum, quem esse hostem comp̄eristi, quem ducem belli futurum vides, quem exspectari imperatorem in castris hostium sentis, auctorem sceleris, principem conjurationis, evocatorem servorum & civium perditorum, exire patieris, ut abs te non emissus ex urbe, sed immissus in urbem esse videatur? non-ne hunc in vincula duci, non ad mortem rapi, non summo supplicio mactari imperabis? Quid tandem impedit te? mos-ne majorum? at persaepe etiam privati in hac repub. perniciosos cives morte multarunt: an leges, quae de civium Romanorum supplicio rogatae sunt? at nunquam in hac urbe ii, qui à repub. defecerunt, civium jure tenerunt; an invidiam posteritatis times? praeclaram vero po-

SECT. X. Thus will you at length repair, whither your frantic and unbridled rage has long been hurrying you. Nor does this issue of thy plots give thee pain; but, on the contrary, fills thee with inexpressible delight. Nature has formed you, inclination trained you, and fate reserves you for this desperate enterprize. You never took delight either in peace or war, unless when they were flagitious and destructive. You have got together a band of ruffians and profligates, not only utterly abandoned of fortune, but even without hope. With what pleasure will you enjoy yourself? how will you exult? how will you triumph? when among so great a number of your associates, you shall neither hear nor see an honest man? To attain the enjoyment of such a life, have you exercised yourself in all those toils which are emphatically styled yours: your lying on the ground, not only in pursuit of lewd amours, but of bold and hardy enterprises: your treacherous watchfulness, not only to take advantage of the husband's slumber, but to spoil the murdered citizen. Here may you exert all that boasted patience of hunger, cold, and want, by which, however, you will shortly find yourself undone. So much have I gained by excluding you from the consulship, that you can only attack your country as an exile, not oppress her as a consul: and your impious treasons will be deemed the efforts, not of an enemy, but of a robber.

SECT. XI. And now, conscript fathers, that I may obviate and remove a complaint, which my country might with some appearance of justice urge against me; attend diligently to what I am about to say, and treasure it up in your minds and hearts. For should my country, which is to me much dearer than life, should all Italy, should the whole state thus accost me, What are you about, Marcus Tullus? Will you suffer a man to escape out of Rome, whom you have discovered to be a public enemy? whom you see ready to enter upon a war against the state? whose arrival the conspirators wait with impatience, that they may put themselves under his conduct? the prime author of the treason; the contriver and manager of the revolt; the man who enlists all the slaves and ruined citizens he can find; will you suffer him, I say, to escape; and appear as one rather sent against the city, than driven from it? will you not order him to be put in irons, to be dragged to execution, and to atone for his guilt by the most rigorous punishment? What restrains you on this occasion? is it the custom of our ancestors? But it is well known in this commonwealth, that even persons in a private station have often put pestilent citizens to death. Do the laws relating to the punishment of Roman citizens hold you in awe? Certainly traitors against their country can have no claim to the privilege of citizens.

pulo Rom. refers gratiam, qui te, hominem per te cognitum, nullâ commendatione majorum, tam maturè ad summum imperium per omnes honorum gradus extulit, si propter invidiam, aut alicujus periculi metum, salutem civium tuorum negligis. Sed si quis est invidiae metus, num est vehementius severitatis ac fortitudinis invidia, quâm inertiae, ac nequitiae pertimescenda? an cùm bello vastabitur Italia, vexabuntur urbes, tecta ardebunt; tum te non existimas invidiae incendio conflagraturum?

XII. His ego sanctissimis reipub. vocibus, et eorum hominum, qui idem sentiunt, mentibus pauca respondebo. (16) Ego si hoc optimum factu judicarem, P. C. Catilinam morte multare, unius usuram horae gladiatori isti ad vivendum non dedissem: etenim si summi viri, et clarissimi cives, Saturnini, et Gracchorum, et Flacci, et superiorum complurium sanguine non modò se non contaminârunt, sed etiam honestârunt; certè verendum mihi non erat, ne quid, hoc parricidâ civium imperfecto, invidiae mihi in posteritatem redundaret? Quòd si ea mihi maximè impenderet, tamen hoc animo semper fui, ut invidiam virtute partam, gloriam, non invidiam putarem. (17) Quamquam nonnulli sunt in hoc ordine, qui aut ea quae imminent, non videant; aut ea quae vident, dissimulent: qui spem Catilinae mollibus sententiis aluerunt, conjurationemque nascentem non credendo corroboraverunt: quorum auctoritatem secuti multi, non solùm improbi, verùm etiam imperiti, si in hunc animadvertissem, crudeliter et regiè factum esse dicerent. Nunc intelligo, si iste, quò intendant, in Manliana castra pervenerit, neminem tam stultum fore, qui non videat conjurationem esse factam: neminem tam improbum, qui non fateatur. Hoc autem uno imperfecto, intelligo hanc reip. pestem paulisper reprimi, non in perpetuum comprimi posse. Quòd si se ejecerit, secumque suos eduxerit, et eòdem caeteros undique collectos naufragos aggregaverit; extinguetur, atque delebitur, non modò haec tam adulta reipubl. pestis, verùm etiam stirps, ac semen malorum omnium.

NOTES.

(16) *Ego, si hoc optimum.*] Cicero here explains his conduct, and the reasons on which it was founded. He had two things in his choice, either to put Catiline to death, or oblige him to leave the city. The first of these, had it been for the interest of the commonwealth, he declares himself ready to put in execution, whatever consequences might follow; for, says he, I have no reason to apprehend, that so beneficial and salutary a measure would draw upon me any envy; and even supposing the worst to happen, the glory of having preserved my country would enable me to bear my misfortune with pa-

tience. But, adds he, there is no need of coming to this extremity: because I hold it the safer way to drive him from the city. For, by putting him to death, I should only check the progress of the conspiracy for a time; but, in obliging him to leave the city, I shall soon have it in my power to destroy him and all his accomplices.

(17) *Quamquam nonnulli sunt in hoc ordine.*] Caesar, Crassus, and others of the first rank, were suspected of being concerned in Catiline's conspiracy, and of wishing that it might succeed. These were cunning enough not to be present at the

Are you afraid of the reproaches of posterity? A noble proof, indeed, of your gratitude to the Roman people, that you, a new man, who, without any recommendation from your ancestors, have been raised by them, through all the degrees of honour, to sovereign dignity, should, for the sake of any danger to yourself, neglect the care of the public safety. But if censure be that whereof you are afraid, think which is to be most apprehended, the censure incurred for having acted with firmness and courage, or that for having acted with sloth and pusillanimity? When Italy shall be laid desolate with war, her cities plundered, her dwellings on fire, can you then hope to escape the flames of public indignation?

SECT. XII. To this most sacred voice of my country, and to all those who blame me after the same manner, I shall make this short reply: That if I had thought it the most adviseable to put Catiline to death, I would not have allowed that gladiator the use of one moment's life. For if, in former days, our greatest men, and most illustrious citizens, instead of sullying, have done honour to their memories, by the destruction of Saturninus, the Gracchi, Flacchus, and many others; there is no ground to fear, that, by killing this parricide, any envy would lie upon me with posterity. Yet if the greatest was sure to befall me, it was always my persuasion, that envy acquired by virtue was really glory, not envy. But there are some of this very order, who do not either see the dangers which hang over us, or else dissemble what they see; who, by the softness of their votes, cherish Catiline's hopes, and add strength to the conspiracy by not believing it; whose authority influences many, not only of the wicked, but the weak; who, if I had punished this man as he deserved, would not have failed to charge me with acting cruelly and tyrannically. Now I am persuaded, that when he is once gone into Manlius's camp, whither he actually designs to go, none can be so silly as not to see that there is a plot; none so wicked as not to acknowledge it: whereas, by taking off him alone, though this pestilence would be somewhat checked, it could not be suppressed; but when he has thrown himself into rebellion, and carried out his friends along with him, and drawn together the profligate and desperate from all parts of the empire, not only this ripened plague of the republic, but the very root and seed of all our evils, will be extirpated with him at once.

NOTES.

meeting of the body of the conspirators, lest they should be discovered; but they served Catiline, by maintaining that the whole conspiracy was a chimera of the consul's brain, or at most a design to be revenged on Cicero, for disappointing Catiline so often in his standing for the consulship.

XIII. Etenim jamdiu, P. C. in his periculis conjurationis insidiisque versamur: sed nescio quo pacto omnium scelerum, ac veteris furoris et audaciae maturitas in nostri consulatus tempus erupit. [Quod si ex tanto latrocinio iste unus tolletur, videbimus fortasse ad breve quoddam tempus curâ et metu esse relevati: periculum autem residuebit, et erit inclusum penitus in venis, atque in visceribus reipublicae. Ut saepe homines aegri morbo gravi, cum aestu febrique jactantur, si aquam gelidam biberint, primò relevari videntur; deinde multò gravius vehementiusque afflantur: sic hic morbus qui est in republica, elevatus istius poenâ, vehementius, vivis reliquis, ingravescat] Quare, P. C. sedent improbi, secernant se à bonis, unum in locum congregentur; muro denique, id quod saepe jam dixi, secernantur à nobis: desinant insidiari domi suae consuli, circumstare tribunal praetoris urbani, obsidere cum gladiis curiam, malleolos et faces ad incendendam urbem comparare: sit denique inscriptum in fronte uniuscujusque civis, quid de repub. sentiat. Polliceor vobis hoc, P. C. tantam in nobis Coss. fore diligentiam, tantam in vobis auctoritatem, tantam in equitibus Rom. virtutem, tantam in omnibus bonis consensionem, ut Catilinae profectione omnia patefacta, illustrata, oppressa, vindicata esse videatis. (18) Hisce omnibus, Catilina, cum summa reip. salute, et cum tua peste ac pernicie, cumque eorum exitio, qui se tecum omni scelere parcidioque junxerunt, profiscere ad impium bellum ac nefarium. Tum tu, Jupiter, qui iisdem, quibus haec urbs, auspiciis à Romulo es constitutus, quem Statorem hujus urbis atque imperii verè nominamus, hunc, et hujus socios à tuis aris, caeterisque templis, à tectis urbis ac moenibus, à vita fortunisque civium omnium arcebis: et omnes inimicos bonorum, hostes patriae, latrones Italiae, scelerum foedere inter se ac nefariâ societate conjunctos, aeternis suppliciis, vivos mortuosque mactabis.

NOTES.

(18) *Hisce omnibus, Catilina.*] The heathens superstitiously observed whatever was said on their undertaking a journey, or any enterprise. Some of the greatest men have laid aside an undertaking, or been encouraged in the pursuit of it, by a word dropt by chance. All the Roman historians, particularly Livy, are full of

this ridiculous conceit. This solemn imprecation, therefore, pronounced by the consul, in the temple of *Jupiter Stator*, was like the highest excommunication, and would be construed a bad omen to Catiline by all those of his audience, who had any regard for the religion of their country.

SECT. XIII. It is now a long time, conscript fathers, that we have trode amidst the dangers and machinations of this conspiracy: but I know not how it comes to pass, the full maturity of all those crimes, and of this long ripening rage and insolence, has now broke out during the period of my consulship. Should he alone be removed from this powerful band of traitors, it may abate, perhaps, our fears and anxieties for a while; but the danger will still remain, and continue lurking in the veins and vitals of the republic. For, as men, oppressed with a severe fit of illness, and labouring under the raging heat of a fever, are often at first seemingly relieved by a draught of cold water; but afterwards find the disease return upon them with redoubled fury: in like manner, this distemper which has seized the commonwealth, eased a little by the punishment of this traitor, will, from his surviving associates, soon assume new force. Wherefore, conscript fathers, let the wicked retire, let them separate themselves from the honest, let them rendezvous in one place. In fine, as I have often said, let a wall be between them and us: let them cease to lay spares for the consul in his own house, to beset the tribunal of the city praetor, to invest the senate-house with armed ruffians, and to prepare fire-balls and torches for burning the city: in short, let every man's sentiments with regard to the public be inscribed on his forehead. This I engage for and promise, conscript fathers, that by the diligence of the consuls, the weight of your authority, the courage and firmness of the Roman knights, and the unanimity of all the honest, Catiline being driven from the city, you shall behold all his treasons detected, exposed, crushed, and punished. With these omens, Catiline, of all prosperity to the republic, but of destruction to thyself, and all those who have joined themselves with thee in all kinds of parricide, go thy way then to this impious and abominable war: whilst thou, Jupiter, whose religion was established with the foundation of this city, whom we truly call Stator, the stay and prop of this empire, wilt drive this man and his accomplices from thy altars and temples, from the houses and walls of the city, from the lives and fortunes of us all; and wilt destroy, with eternal punishments, both living and dead, all the haters of good men, the enemies of their country, the plunderers of Italy, now confederated in this detestable league and partnership of villany.

ORATIO V.

II. IN L. CATILINAM *.

I. TANDEM aliquando, Quirites, L. Catilinam furentem audaciâ, scelus anhclantem, pestem patriae nefariè molientem, vobis atque huic urbi ferrum flammamque minitantem, ex urbe (1) vel ejecimus, vel emisimus, vel ipsum egredientem verbis prosecuti sumus. Abiit, excessit, evasit, erupit; nulla jam pernicies, à monstro illo atque prodigo, moenibus ipsis intra moenia comparabitur; atque hunc quidem unum hujus belli domestici ducem sine controversia vicimus; non jam inter latera nostra sica illa versabitur: non in campo, non in foro, non in curia, non denique intra domesticos

NOTES.

* Catiline, astonished by the thunder of the last speech, had little to say for himself in answer to it; yet, with downcast looks, and suppliant voice, he begged of the fathers, not to believe too hastily what was said against him by an enemy; that his birth and past life offered every thing to him that was hopeful; and it was not to be imagined that a man of patrician family, whose ancestors, as well as himself, had given many proofs of their affection to the Roman people, should want to overturn the government; while Cicero, a stranger, and late inhabitant of Rome, was so zealous to preserve it. But as he was going on to give foul language, the senate interrupted him by a general outcry, calling him traitor and parricide: upon which, being furious and desperate, he declared again aloud what he had said before to Cato, that since he was circumvented and driven headlong by his enemies, he would quench the flame which was raised about him by the common ruin; and so rushed out of the assembly. As soon as he was come to his house, and began to reflect on what had passed, perceiving it in vain to dissemble any longer, he resolved to enter into action imme-

ately, before the troops of the republic were increased, or any new levies made; so that, after a short conference with Lentulus, Cethegus, and the rest, about what had been concerted in the last meeting, having given fresh orders and assurances of his speedy return at the head of a strong army, he left Rome that very night with a small retinue, to make the best of his way towards Etruria. He no sooner disappeared, than his friends gave out that he was gone into a voluntary exile at Marseilles; which was industriously spread through the city the next morning, to raise an odium upon Cicero, for driving an innocent man into banishment, without any previous trial or proof of his guilt. But Cicero was too well informed of his motions to entertain any doubt about his going to Manlius's camp, and into actual rebellion. He knew that he had sent thither already a great quantity of arms, and all the ensigns of military command, with that silver eagle which he used to keep with great superstition in his house, for its having belonged to C. Marius, in his expedition against the Cimbri. But, lest the story should make an ill impression on the city, he

ORATION V.

II. AGAINST CATILINE.

SECT. I. AT length, Romans, have we driven, discarded, and pursued with the keenest reproaches, to the very gates of Rome, L. Catiline, intoxicated with fury, breathing mischief, impiously plotting the destruction of his country, and threatening to lay waste this city with fire and sword. He is gone, he is fled, he has escaped, he has broke away. No longer shall that monster, that prodigy of mischief, plot the ruin of this city within her very walls. We have gained a clear conquest over this chief and ring-leader of domestic broils. His threatening dagger is no longer pointed at our breasts, nor shall we now any more tremble, in the field of Mars, the forum, the senate-house, or within our domestic

NOTES.

called the people together in the forum, to give them an account of what passed in the senate the day before, and of Cátiline's leaving Rome upon it. And this makes the subject of the oration now before us.

(1) *Vel ejecimus, vel emisimus, vel ipsi sumus egredientem, &c.*] *Ejicere* is when a man is forced from a place against his will. *Emittere* implies his being dispatched upon some affair with his own consent. In both cases, however, the will of another is concerned. *Egredi* is an act entirely our own, to which neither force nor persuasion, but a voluntary impulse, prompts us. All these expressions may be in some measure applied to Catiline, as we see Cicero, in fact, does in this paragraph. He was forced from Rome against his will, because his intention originally was, not to leave the city till Cicero was taken off. He was sent away with his own consent,

because, seeing all his designs discovered, and his most secret machinations brought to light, he plainly perceived that he could not continue any longer in Rome with safety. In fine, he quitted the place of his own choice, because there was nothing he was more earnestly set upon than to repair to Manlius's camp. The four words Cicero uses immediately after, *abiit, excessit, evasit, erupit*, are not to be considered as a string of synonymous terms, but form a kind of climax, in which the expression gradually grows in force. *Abiit, he is gone*, implies only a bare removal. *Excessit, he has quitted us*, as if indeed by some urgent reasons. *Evasit, he has escaped*, as if from a place where he could no longer remain in safety. *Erupit, he hath broke from us*, as if he had dreaded being detained from Manlius's camp, whither he was very desirous to go.

parietes pertimescemos; loco ille motus est, cùm est ex urbe de-
pulsus; palàm jam cum hoste, nullo impediente, bellum justum
geremus. Sine dubio perdidimus hominem, magnificéque vici-
mus, cùm illum ex occultis insidiis in apertum latrociniūm con-
jecimus. / Quòd verò non cruentum mucronem, ut voluit, extu-
lit, quòd vivis nobis egressus est, quòd ei ferrum de manibus ex-
torsimus, quòd incolumes cives, quòd stantem urbem reliquit,
qñanto tandem illum moerore afflictum esse et profligatum puta-
tis? Jacet ille nunc, prostratusque est, Quirites, et se percul-
sum, atque abjectum esse sentit; et retorquet oculos profectò
saepe ad hanc urbem, quam ex suis faucibus eruptam esse luget:
quae quidem laetari mihi videtur, quòd tantam pestem evomue-
rit, forasque projecerit.

II. At si quis est talis, quales esse omnes oportebat, qui hoc in
ipso, in quo exsultat et triumphat oratio mea, me vehementer ac-
cuset, (2) quòd tam capitalem hostem non comprehendenderim potiùs, quām emiserim: non est ista mea culpa, Quirites, sed tem-
porum. Interemptum esse L. Catilinam, et gravissimo supplicio
affectum jampridem oportebat: idque à me et mos majorum, et
hujus imperii severitas, et respub. postulabat. (3) Sed quām
multos fuisse putatis, qui, quae ego deferrem, non crederent?
quām multos, qui propter stultitiam non putarent? quām mul-
tos, qui etiam defenderent? quām multos, qui propter improbi-
tatem, faverent? Ac si, sublato illo, depelli à vobis omne pericu-
lum judicarem, jampridem ego L. Catilinam non modò invidiae
meae, verùm etiam vitae periculo sustulisse; sed cùm viderem,
ne vobis quidem omnibus re etiam tum probatâ, si illum, ut erat
meritus, morte multâssim, fore ut ejus socios invidiâ oppressus
persequi non possem; rem huc deduxi, ut tum palàm pugnare
possetis, cùm hostem apertè videretis. Quem quidem ego hos-

NOTES.

(2) *Quòd tam capitalem hostem non comprehendenderim potiùs, quām emiserim.*] It must doubtless appear very strange to some, that Cicero, when he had certain information of Catiline's treason, instead of seizing him in the city, not only suffered, but urged his escape, and forced him as it were to begin the war. But, as he intimates here, and in many other parts of his speeches, there was good reason for what he did. He had many enemies among the nobility, and Catiline many secret friends; and though he was perfectly informed of the whole progress and extent of the plot, yet the proofs being not ready to be laid before the public, Catiline's dissimulation still prevailed, and persuaded great numbers of his innocence; so that if he had imprisoned and punished him at this time, as he deserved, the

whole faction were prepared to raise a general clamour against him, by representing his administration as a tyranny, and the plot as a forgery contrived to support it: whereas, by driving Catiline into rebellion, he made all men see the reality of their danger; while, from an exact account of his troops, he knew them to be so unequal to those of the republic, that there was no doubt of his being destroyed, if he could be pushed to the necessity of declaring himself before his other projects were ripe for execution. He knew also, that if Catiline was once driven out of the city, and separated from his accomplices, who were a lazy, drunken, thoughtless crew, they would ruin themselves by their own rashness, and be easily drawn into any trap which he should lay for them. The event shewed that he

walls. In driving him from the city, we have forced his most advantageous post. We shall now, without opposition, carry on a just war against an open enemy. We have effectually ruined the man, and gained a glorious victory by driving him from his secret plots into open rebellion. But how do you think is he overwhelmed and crushed with regret, at carrying away his dagger unbathed in blood; at leaving the city before he had effected my death; at seeing the weapons prepared for our destruction wrested out of his hands; in a word, that Rome is still standing, and her citizens safe. He is now quite overthrown, Romans, and perceives himself impotent and despised, often casting back his eyes upon this city, which he sees, with regret, rescued from his destructive jaws; and which seems to me to rejoice for having disgorged and rid herself of so pestilent a citizen.

SECT. II. But if there be any here, who blame me for what I am boasting of, as you all indeed justly may, that I did not rather seize than send away so capital an enemy; that is not my fault, citizens, but the fault of the times. Catiline ought long ago to have suffered the last punishment; the custom of our ancestors, the discipline of the empire, and the republic itself required it: but how many would there have been, who would not have believed what I charged him with? How many who, through weakness, would never have imagined it? How many who would even have defended him? How many who, through wickedness, would have espoused his cause? But had I judged that his death would have put a final period to all your dangers, I would long ago have ordered him to execution, at the hazard not only of public censure, but even of my life. But when I saw, that, by sentencing him to the death he deserved, and before you were all fully convinced of his guilt, I should have drawn upon myself such an odium as would have rendered me unable to prosecute his accomplices; I brought the matter to this point, that you might then openly and vigorously attack Catiline, when he was apparently become a public enemy. What kind of an enemy I judge

NOTES.

judged right; and by what happened afterwards, both to Catiline and to himself, it appeared that, as far as human caution could reach, he acted with the utmost prudence in regard as well to his own, as to the public safety.

(3) *Sed quād multos fuisse putatis.*] Cicero here mentions three kinds of men, whose envy and resentment he was like to incur, by proceeding to extremities against Catiline. First, such as looked up to him to be an enemy to Catiline, on account of the competition that had arisen between them about the consulship, where

our orator had found him a very powerful rival. This induced him to consider what Cicero alleged against him, as the groundless assertions of a man actuated by a principle of hatred. The second sort were those who really believed there was no conspiracy, nay, were ready to defend Catiline, and weak enough to imagine him incapable of any such designs. The third sort were the wicked and profligate, who hoped to reap advantage from the overthrow of the state, and therefore wished well to the conspiracy.

tem, Quirites, quām vehementer foris esse timendum putem, licet hinc intelligatis, quōd illud etiam molestē fero, quod ex urbe parum comitatus exierit. Utinam ille omnes secum suas copias eduxisset. Tongillum mihi eduxit, quem amare in praetexta coeperat: Publicium et Munatum, quorum aes alienum contratum in popina nullum reip. motum afferre poterat. Reliquit quos viros? quanto alieno aere? quām valentes? quām nobiles?

III. Itaque ego illum exercitum, et Gallicanis legionibus, et hoc delectu (4) quem in agro Piceno et Gallico Q. Metellus habuit, et his copiis quae à nobis quotidie comparantur, magno perè contémno; collectum ex senibus desperatis, ex agresti luxuria, ex rusticis decoctoribus, ex iis qui vadimonia deserere, quām illum exercitum maluerunt: quibus ego non modò si aciem exercitū nostri, verū etiam si edictum praetoris ostendero, concident. Hos, quos video volitare in foro, quos stare ad curiam, quos etiam in senatum venire; qui nitent unguentis, qui fulgent purpura, mallem secum suos milites eduxisset; qui si hic permanent, mementote non tam exercitum illum esse nobis, quām hos, qui exercitum deseruerunt, pertimescendos. Atque hoc etiam magis sunt timendi, quōd, quid cogitent, me scire sentiunt, neque tamen permoventur. (5) Video, cui Apulia sit attributa, qui habeat Etruriam, qui agrum Picenum, qui Gallicum, qui sibi has urbanas insidias caedis, atque incendiorum depoposcerit: omnia superioris noctis consilia ad me perlata esse sentiunt; patefeci in senatu hesterno die: Catilina ipse pertimuit, profugit; hi quid exspectant? nae illi vehementer errant, si illam meam pristinam lenitatem perpetuam sperant futuram.

IV. Quod exspectavi, jam sum assecutus, ut vos omnes factam esse apertè conjurationem contra rempub. videretis: nisi vero si quis est, qui Catilinae similes cum Catilina sentire non putet. Non est jam lenitati locus, severitatem res ipsa flagitat;

NOTES.

(4) *Quem in agro Piceno et Gallico Q. Metellus.*] When the design of the conspiracy came to be known, Q. Pompeius Rufus was sent to Capua, and Q. Metellus Celer to Picenum, with commissions to levy troops, and provide an army sufficient to repel the danger wherewith the state was threatened. This sufficiently explains Cicero's meaning with respect to the levies in Picenum. To understand what he farther says of the Gallic troops, the reader must be informed, that the senate having decreed the provinces of Macedonia and Gaul to the two consuls of the present year, Macedonia fell to the lot of Cicero; which being one of the most lucrative provinces of the empire, our ora-

tor resigned it to his colleague Antony; who being overwhelmed, with debt, and on that account suspected of favouring the conspiracy, was, by this means, drawn off from his old associates, and induced to act the part of a real friend to his country. But neither did Cicero accept of Gaul, choosing rather to continue in Rome, and charge himself with the guardianship of the city. He therefore resigned his province to his friend Q. Metellus: and hence it is, that we find him so often boasting in his speeches, that he had rejected all the advantages of a provincial command, in the view of rendering himself more serviceable to the commonwealth.

im to be, and how formidable in his attempts, you may learn from hence, citizens, that I am only sorry he went off with so few to attend him. I wish he had taken his whole forces along with him: he has carried off Tongillus indeed, the object of his criminal passion when a youth; he has likewise carried off Puleius and Munatius, whose tavern debts would never have occasioned any commotions in the state. But how important are the men he has left behind him? how oppressed with debt, how powerful, how illustrious by their descent?

SECT. III. When therefore I think of our Gallic legions, and the levies made by Metellus in Picenum and Lombardy, together with those troops we are daily raising, I hold in utter contempt that army of his, composed of wretched old men, of derelictives from the country, of rustic vagabonds, of such as have fled from their bail to take shelter in his camp: men ready to run away, not only at the sight of an army, but of the praetor's dict. I could wish he had likewise carried with him those whom I see fluttering in the forum, sauntering about the courts of justice, and even taking their places in the senate; men sleek with perfumes, and shining in purple. If these still remain here, mark what I say, the deserters from the army are more to be dreaded than the army itself; and the more so, because they know me to be informed of all their designs, yet are not in the least moved by me. I behold the person to whom Apulia is allotted, to whom Etruria, to whom the territory of Picenum, to whom Cisalpine Gaul. I see the man who demanded the task of setting fire to the city, and filling it with slaughter. They know that I am acquainted with all the secrets of their last nocturnal meeting: I laid them open yesterday in the senate: Catiline himself was disheartened and fled; what then can these others mean? They're much mistaken if they imagine I shall always use the same lenity.

SECT. IV. I have at last gained what I have hitherto been waiting for, to make you all sensible that a conspiracy is openly formed against the state; unless there be any one who imagines that such as resemble Catiline may yet refuse to enter into his designs. There is now therefore no more room for clemency, the

NOTES.

(5) *Video, cui Apulia sit attributa.*] Salust tells us, that Catiline, some time before, had sent Manlius to Foesulae, and the adjoining parts of Tuscany; Septimius Camers to Ancona, and C. Julius into Apulia, to make levies. But Cicero seems here to mean some persons of great note, set in Rome, who were to command in chief in those countries, whose names are not let us by any historians, except that

Marcus Caeparius is said, in the third oration against Catiline, to have been named to raise the shepherds in Apulia. Lentulus, Cethegus, Statilius, and Cassius, undertook to fire the city, and murder their fiercest enemies: particularly, Cethegus promised to dispatch Cicero; and even offered, with a small force, to attack the senate-house, and cut off all the senate at once.

unum etiam nunc concedam: exeant, proficiscantur, ne patientur desiderio sui Catilinam miserum tabescere: demonstrabo iter Aureliā viā profectus est: si accelerare volent, ad vesperam consequentur. O fortunatam remp. si quidem hanc sentinam hujus urbis ejecerit! uno mehercule Catilinā exhausto, relevata mihi e recreata resp. videtur. Quid enim mali aut sceleris fingi aut ex cogitari potest, quod non ille conceperit? Quis totā Italīā veneficus, quis gladiator, quis latro, quis sicarius, quis parricida, qui testamentorum subjector, (6) quis circumscriptor, quis ganeo quis nepos, quis adulter, quae mulier infamis, quis corruptor juventutis, quis corruptus, quis perditus inveniri potest, qui se cum Catilina non familiarissimē vixisse fateatur? quae caedes per hos annos sine illo facta est? quod nefarium stuprum non per illum? Jam verò quae tanta in ullo unquam homine juventutis illecebra fuit, quanta in illo? qui alios ipse amabat turpissimē aliorum amori flagitiosissimē serviebat: aliis fructum libidinum aliis mortem parentum, non modò impellendo, verū etiam ad juvando, pollicebatur. Nunc verò quām subitō non solū in urbe, verū etiam ex agris ingentem numerum perditorum hominum collegerat? Nemo, non modò Romae, sed nec ullo in angulo totius Italiae oppressus aere alieno fuit, quem non ad hoc incredibile sceleris foedus adsciverit.

V. Atque ut ejus diversa studia in dissimili ratione perspicere positis, nemo est in ludo gladiatorio paulò ad facinus audacior, quod se non intimum Catilinae esse fateatur: nemo in scena levior & nequior, qui se non ejusdem propè sodalem fuisse commemore. Atque idem tamen stuprorum et scelerum exercitatione assuefactus, frigore et fame, et siti ac vigiliis perferendis, fortis ab istis suis sociis praedicabatur, cùm industriae subsidia atque instrumenta virtutis, in libidine audaciāque consumeret. Hunc verò sui fuerint comites secuti, si ex urbe exierint desperatorum hominum flagitosi greges, ô nos beatos! ô rempubl. fortunatam! praeclarā laudem consulatūs mei! Non enim jam sunt medicres hominum libidines, non humanae audaciae, ac tolerandae nihil cogitant, nisi caudem, nisi incendia, nisi rapinas: patrimonia sua profuderunt, fortunas suas obligurierunt: res eos jam perdiderunt, fides deficere nuper coepit; eadem tamen illa, quae erat in abundantia, libido permanet. Quòd si in vino et alea come-

NOTES.

(6) *Quis circumscriptor—quis nepos.*] *Circumscriptor* means one who makes it his business to allure and entice youth into debauchery. This practice was become so common at Rome, that they had established it into a kind of art or profession. *Nepos*, besides its proper signifi-

cation, is frequently used, as here, for debauchee and prodigal, one who had dissipated his patrimony in luxury and voluptuousness. Sallust describes at large the abandoned profligate crew, from among whom Catiline chose his companions.

case itself requires severity. Yet I will still grant them one thing; let them quit the city, let them follow Catiline, nor suffer their miserable leader to languish in their absence. Nay, I will even tell them the way; it is the Aurelian road: if they make haste, they may overtake him before night. O happy state, were it but once drained of this sink of wickedness! To me the absence of Catiline alone, seems to have restored fresh beauty and vigour to the commonwealth. What villainy, what mischief can be devised or imagined, that has not entered into his thought? What prisoner is to be found in all Italy, what gladiator, what robber, what assassin, what parricide, what forger of wills, what sharper, what debauchee, what squanderer, what adulterer, what harlot, what corrupter of youth, what corrupted wretch, what abandoned criminal, who will not own an intimate familiarity with Catiline? What murder has been perpetrated of late years without him? What act of lewdness speaks not him for its author? Was ever man possessed of such talents for corrupting youth? To some he prostituted himself unnaturally; for others he indulged a criminal passion. Many were allure by the prospect of unbounded enjoyment, many by the promise of their parents' wealth; to which he not only incited them, but even contributed his assistance. What a prodigious number of profligate wretches has he just now drawn together, not only from the city, but also from the country! There is not a person oppressed with debt, I will not say in Rome, but in the remotest corner of all Italy, whom he has not engaged in this unparalleled confederacy of guilt.

SECT. V. But to make you acquainted with the variety of his talents, in all the different kinds of vice, there is not a gladiator in any of our public schools, remarkable for being audacious in mischief, who does not own an intimacy with Catiline; not a player of distinguished impudence and guilt, but openly boasts of having been his companion. Yet this man, trained up in the continual exercise of lewdness and villainy, while he was wasting in riot and debauchery the means of virtue, and supplies of industry, was extolled by these his associates for his fortitude and patience in supporting cold, hunger, thirst, and watchings. Would his companions but follow him, would this profligate crew of desperate men but leave the city, how happy would it be for us, how fortunate for the commonwealth, how glorious for my consulship! It is not a moderate degree of depravity, a natural or supportable measure of guilt, that now prevails. Nothing less than murders, rapines, and conflagrations employ their thoughts. They have squandered away their patrimonies, they have wasted their fortunes in debauchery; they have long been without money; and now their credit begins to fail them, yet still they retain the same desires, though deprived of the means

sationes solùm, et scorta quaererent, essent illi quidem desperandi, sed tamen essent ferendi: hoc verò quis ferre possit, inertes homines fortissimis viris insidiari, stultissimos prudentissimis, ebriosos sobriis, dormientes vigilantibus? qui mihi accubantes in conviviis, complexi mulieres impudicas, vino languidi, conferti cibo, sertis redimiti, unguentis oblii, debilitati stupris, eructant sermonibus suis caudem bonorum, atque urbis incendia: quibus ego confido impendere fatum aliquod; et poenas jamdiu improbitati, nequitiae, sceleri, libidini debitas, aut instare jam planè, aut certè jam appropinquare. Quos si meus consulatus, quoniam sanare non potest, sustulerit; non breve nescio quod tempus, sed multa saecula propagârit reipublicae. Nulla est enim natio, quam pertimescamus: nullus rex, qui bellum populo Romano inferre possit; omnia sunt externa, unius virtute, terrâ marique pacata; domesticum bellum manet: intus insidiae sunt: intus inclusum periculum est: intus est hostis: cum luxuria nobis, cum amentia, cum scelere certandum est. Huic ego me bello ducem profiteor, Quirites: suscipio inimicitias hominum perditorum; quae sanari poterunt, quâcunque ratione sanabo: quae resecanda erunt, non patiar ad perniciem civitatis manare. Proinde aut exeant, aut quiescant: aut, si et in urbe, et in eadem mente permanent; ea quae merentur, exspectent.

VI. At etiam sunt, Quirites, qui dicant à me in exilium ejec-
tum esse Catilinam: quod ego si verbo assequi possem, istos ip-
sos ejiccerem, qui haec loquuntur: homo enim videlicet timidus,
et permodestus, vocem consulis ferre non potuit: simul atque ire
in exilium jussus est, paruit, quievit. Hesterno die cùm domi meae
penè interfectus essem, Senatum in aedem Jovis Statoris convo-
cavi, rem omnem ad patres conscriptos detuli. Quò cùm Catilina
venisset, quis eum Senator appellavit? quis salutavit? quis
denique ita aspexit ut perditum civem, ac non potius, ut impor-
tunissimum hostem? quin etiam principes ejus ordinis partem il-
lam subselliorum, ad quam ille accesserat, nudam atque inanem
reliquerunt. Hic ego, vehemens ille Consul, qui verbo cives in
exilium ejicio, quaesivi à Catilina, an nocturno conventu apud
M. Leccam fuisset, necne. Cùm ille homo audacissimus, consci-
entiâ convictus, primò reticuissest: patefeci caetera: quid eâ
nocte egisset, ubi fuisset, quid in proximam constituissest, quem
admodum esset ei ratio totius belli descripta, edocui. Cùm hae-

of enjoyment. Did they, amidst their revels and gaming, affect no other pleasures than those of lewdness and feasting, however desperate their case must appear, it might still notwithstanding be borne with. But it is altogether insufferable, that the cowardly should pretend to plot against the brave, the foolish against the prudent, the drunken against the sober, the drowsy against the vigilant; who, lolling at feasts, embracing mistresses, staggering with wine, stuffed with victuals, crowned with garlands, daubed with perfumes, wasted with intemperance, belch in their conversations of massacring the honest, and firing the city. Over such, I trust, some dreadful fatality now hangs; and that the vengeance so long due to their villany, baseness, guilt, and crimes, is either just breaking, or just ready to break upon their heads. If my consulship, since it cannot cure, should cut off all these, it would add no small period to the duration of the republic. For there is no nation which we have reason to fear; no king who can make war upon the Roman people. All disturbances abroad, both by land and sea, are quelled by the virtue of one man. But a domestic war still remains: the treason, the danger, the enemy is within. We are to combat with luxury, with madness, with villany. In this war I profess myself your leader, and take upon myself all the animosity of the desperate. Whatever can possibly be healed, I will heal; but what ought to be cut off, I will never suffer to spread to the ruin of the city. Let them therefore depart, or be at rest; but if they are resolved both to remain in the city, and continue their wonted practices, let them look for the punishment they deserve.

SECT. VI. But some there are, Romans, who assert, that I have driven Catiline into banishment. And, indeed, could words compass it, I would not scruple to drive them into exile too. Catiline, to be sure, was so very timorous and modest, that he could not stand the words of the consul; but, being ordered into banishment, immediately acquiesced and obeyed. Yesterday, when I ran so great a hazard of being murdered in my own house, I assembled the senate in the temple of Jupiter Stator, and laid the whole affair before the conscript fathers. When Catiline came thither, did so much as one senator accost or salute him? In fine, did they regard him only as a desperate citizen, and not rather as an outrageous enemy? Nay the consular senators quitted that part of the house where he sat, and left the whole house clear to him. Here I, that violent consul, who, by a single word, drive citizens into banishment, demanded of Catiline, whether he had or had not been at the nocturnal meeting in the house of M. Lecca. And when he, the most audacious of men, struck dumb by self-conviction, returned no answer, I laid open the whole to the senate: acquainting them with the transactions of that night, where he had been, what was reserved for

sitaret, cùm teneretur; quaesivi quid dubitaret eò proficisci, quò jampridem parârat: cùm arma, cùm secures, cùm fasces, cùm tubas, cùm signa militaria, cùm aquilam illam argenteam, cui ille etiam sacrarium scelerum domi suae fecerat, scirem esse praemissam. In exsilium ejiciebam, quem jam ingressum esse in bellum videbam? Etenim, credo, Manlius iste, centurio, qui in agro Fesulano castra posuit, bellum populo Romano suo nomine indixit: et illa castra nunc non Catilinam ducem exspectant: et ille ejectus in exsilium, se (7) Massiliam, ut aiunt, non in haec castra conferet?

VII. O conditionem miseram, non modò administrandae, verùm etiam conservanda reipublicae! nunc si L. Catilina consiliis, laboribus, periculis meis circumclusus ac debilitatus subitò pertimuerit, sententiam mutaverit, deseruerit suos, consilium belli faciundi abjecerit, ex hoc cursu sceleris et belli, iter ad fugam atque exsilium converterit; non ille à me spoliatus armis audaciae, non obstupefactus ac perterritus mèa diligentia, non de spe conatique depulsus, sed indemnatus, innocens, in exsilium ejectus à consule, vi et minis esse dicetur: et erunt, qui illum, si hoc fecerit, non improbum, sed miserum; mè non diligentissimum consulem, sed crudelissimum tyrannum existimari velint. Est mihi tanti, Quirites, hujus invidiae falsae atque iniquae tempestatem subire, dummodò à vobis hujus horribilis belli ac nefarii periculum depellatur. Dicatur sancè ejectus esse à me, dummodò eat in exsilium; sed mihi credite, non est iturus. Nunquam ego à Diis immortalibus optabo, Quirites, invidiae meae levanda causâ, ut L. Catilinam ducere exercitum hostium, atque in armis volitare audiatis: sed triduo tamen audietis: multoq[ue] magis illud timeo, ne mihi sit invidiosum aliquando, quòd illum emiserim potius, quàm quòd ejecerim. Sed cùm sint homines, qui illum, cùm profectus sit, ejectum esse dicant; iidem, si imperfectus esset, quid dicerent? Quanquam isti, qui Catilinam Massiliam ire dictitant, non tam hoc queruntur, quàm verentur. Nemo est istorum tam misericors, qui illum non ad Manlium, quam ad Massilienses ire malit. Ille autem, si, mehercule, hoc, quod agit, nunquam antè cogitasset, tamen latrocinantem se in-

NOTES.

(7) *Massiliam.*] We learn from Sallust, that Catiline, upon his leaving Rome, wrote letters to some of the most considerable senators, informing them, that, being persecuted with false accusations, and finding himself unable to resist the faction of his enemies, he had thought proper to retire to Marseilles; not from a consciousness of any guilt,

but to prevent the disputes that otherwise might be raised on his account. Marseilles was a celebrated city of Narbonese Gaul, renowned for the learning and politeness of its inhabitants, and of whose fidelity and attachment to the Roman commonwealth, Cicero makes ample mention in his second book of Offices.

the next, and how he had settled the whole plan of the war. As he appeared disconcerted and speechless, I asked what hindered his going upon an expedition which he had so long prepared for; when I knew that he had already sent before him arms, axes, rods, trumpets, military ensigns, and that silver eagle, to which he had raised an impious altar in his own house. Can I be said to have driven into banishment a man who had already commenced hostilities against his country? Or is it credible that Manlius, an obscure centurion, who has pitched his camp upon the plains of Fesulae, would declare war against the Roman people in his own name: that the forces under him do not now expect Catiline for their general: or that he, submitting to a voluntary banishment, has, as some pretend, repaired to Marseilles, and not to the before-mentioned camp?

SECT. VII. O wretched condition, not only of governing, but even of preserving the state! For should Catiline, discouraged and disconcerted by my counsels, vigilance, and strenuous care of the republic, be seized with a sudden dread, change his resolution, desert his party, quit his hostile designs, and alter his course of war and guilt into that of flight and banishment, it will not then be said that I have wrested out of his hands the weapons of insolence, that I have astonished and confounded him by my diligence, and that I have driven him from all his hopes and schemes: but he will be considered as a man innocent and uncondemned, who has been forced into banishment by the threats and violence of the consul. Nay, there are who, in this event, would think him not wicked, but unhappy; and me not a vigilant consul, but a cruel tyrant. But I little regard this storm of bitter and undeserved censure, provided I can screen you from the danger of this dreadful and impious war. Let him only go into banishment, and I am content it be ascribed to my threats. But believe me, he has no design to go. My desire of avoiding public envy, Romans, shall never induce me to wish you may hear of Catiline's being at the head of an army, and traversing in a hostile manner the territories of the republic. But assuredly you will hear it in three days; and I have much greater reason to fear being censured for letting him escape, than that I forced him to quit the city. But if men are so perverse as to complain of his being driven away, what would they have said if he had been put to death? Yet there is not one of those who talk of his going to Marseilles, but would be sorry for it if it was true; and with all the concern they express for him, they had much rather hear of his being in Manlius's camp. As for himself, had he never before thought of the project he is now engaged in, yet such is his particular turn of mind, that he

terfici mallet, quām exsulem vivere: nunc verò, cùm ei nihil adhuc praeter ipsius voluntatem cogitationemque acciderit, nisi quòd vivis nobis Romā profectus est; optemus potiùs, ut eat in exilium, quām queramur.

VIII. Sed cur tamdiu de uno hoste loquimur, et de eo hoste qui jam fatetur se esse hostem, et quem, quia, quod semper volui, murus interest, non timeo: de his qui dissimulant, qui Romae remanent, qui nobiscum sunt, nihil dicimus? quos quidem ego, si ullo modo fieri posset, non tam ulcisci studeo, quām sanare, et ipsos placare reipub. Neque, id quare fieri non possit, si me audire voluerint, intelligo. Exponam enim vobis, Quirites, ex quibus generibus hominum istae copiae comparentur: deinde singulis medicinam consilii, atque orationis meae, si quam potero, afferam. (8) Unum genus est eorum, qui magno in aere alieno maiores etiam possessiones habent, quarum amore adducti, dissolvi nullo modo possunt. Horum hominum species est honestissima: sunt enim locupletes: voluntas verò, et causa impudentissima. Tu agris, tu aedificiis, tu argento, tu familiâ, tu rebus omnibus ornatus et copiosus sis, et dubites aliquid de possessione detrahere, ad fidem acquirere? quid enim exspectas? bellum? quid? ergo in vastatione omnium, tuas possessiones sacrosanctas futuras putas? an tabulas novas? Errant qui istas à Catilina exspectant; meo beneficio tabulæ novae proferentur, verū auctionariae. Neque enim isti qui possessiones habent, aliâ ratione ullâ salvi esse possunt. Quod si maturiùs facere voluisserint, neque (id quod stultissimum est) certare cum usuris fructibus praediōrum, locupletioribus his, et melioribus civibus interemur. Sed hosce homines minimè puto pertimescendos, quòd aut deduci de sententia possunt, aut, si permanebunt, magis mihi videntur vota facturi contra remp. quām arma laturi.

IX. Alterum (9)genus est eorum, qui, quanquam premuntur aere alieno, dominationem tamen exspectant: rerum potiri vo-

NOTES.

(8) *Unum genus est eorum.*] Cicero here takes a view of Catiline's forces, and observes that they were composed of six different classes of men, to all of whom he gives advice suited to their circumstances; and which he shews will be infinitely more for their advantage than the desperate measures they had so rashly engaged in. We shall treat of them in order. The first are those who, having large estates, but considerably encumbered with debt, would fain get rid of the latter, without divesting themselves of any part of the former. These he advises to sell part of their possessions,

and by that means disengage themselves from the load of debt they lay under, promising them all the assistance in his power to bring about so salutary an end, which would not only make them easy for the present, but establish and strengthen their credit for the time to come.

(9) *Alterum genus est eorum.*] The second cohort of Catiline's legion, if we may so express ourselves, was made up of men who, being deeply involved in debt, without any estates or possessions to satisfy the demands of their creditors, turned all their thoughts to the attainment

would rather fall as a robber, than live as an exile. But now, as nothing has happened contrary to his expectation and desire, except that I was left alive when he quitted Rome, let us rather wish he may go into banishment, than complain of it.

SECT. VIII. But why do I speak so much about one enemy? An enemy, too, who has openly proclaimed himself such; and whom I no longer dread, since, as I always wished, there is now a wall between us. Shall I say nothing of those who dissemble their treason, who continue at Rome, and mingle in our assemblies? With regard to these, indeed, I am less intent upon vengeance than to reclaim them, if possible, from their errors, and reconcile them to the republic. Nor do I perceive any difficulty in the undertaking, if they will but listen to my advice. For, first, I will shew you, citizens, of what different sorts of men their forces consist, and then apply to each, as far as I am able, the most powerful remedies of persuasion and eloquence. The first sort consists of those who, having great debts, but still greater possessions, are so passionately fond of the latter, that they cannot bear the thought of infringing them. This, in appearance, is the most honourable class, for they are rich; but their intention and aim is the most infamous of all. Art thou distinguished by the possession of an estate, houses, money, slaves, and all the conveniences and superfluities of life; and dost thou scruple to take from thy possessions, in order to add to thy credit? For what is it thou expectest? Is it war? And dost thou hope thy possessions will remain unviolated amidst an universal invasion of property? Is it new regulations about debts thou hast in view? It is an error to expect this from Catiline. New regulations shall indeed be proffered by my means, but attended with public auctions, which is the only method to preserve those who have estates from ruin. And, had they consented to this expedient sooner, nor foolishly run out their estates in mortgages, they would have been at this day both richer men and better citizens. But I have no great dread of this class of men, as believing they may be easily disengaged from the conspiracy; or, should they persist, they seem more likely to have recourse to imprecations than arms.

SECT. IX. The next class consists of those who, though oppressed with debt, yet hope for power, and aspire at the chief management.

NOTES.

of honours, dignities, and the command of armies and provinces. This put them upon plotting against the state, in order to create confusion and disorder, as being

very sensible, that they could never hope to see the accomplishment of their wishes, while the republic continued in a state of tranquillity.

lunt: honores, quos, quietâ repub. desperant, perturbatâ conse-
qui se posse arbitrantur. Quibus hoc praecipiendum videtur,
unum scilicet et idem, quod caeteris omnibus, ut desperent se id,
quod conantur, consequi posse: primùm omnium me ipsum vi-
gilare, adesse, providere reipub.: deinde magnos animos esse in
bonis viris, magnam concordiam, maximam multitudinem: mag-
nas praeterea copias militum: deos denique immortales huic in-
victo populo, clarissimo imperio, pulcherrimae urbi, contra tan-
tam vim sceleris, praesentes auxilium esse laturos. Quòd si jam
sint id, quod cum summo furore cupiunt, adepti; num illi in ci-
nere urbis, et sanguine civium, quae mente consecleratâ ac nefariâ
concupierunt, se consules ac dictatores, aut etiam reges spe-
rant futuros? non vident id se cupere, quod si adepti fuerint, fu-
gitivo alicui, aut gladiatori concedi sit necesse? (10) Tertium
genus est aetate jam confectum, exercitatione robustum: quo ex
genere est ipse Manlius, cui nunc Catilina succedit. Hi sunt
homines ex his coloniis, quas Fesulus Sulla constituit: quas ego
universas civium esse optimorum, et fortissimorum virorum sen-
tio: sed tamen hi sunt coloni, qui se insperatis repentinisque pe-
cuniis sumptuosiùs insolentiùsque jactarunt: hi dum aedificant
tanquam beati, dum praediis, lecticis, familiis magnis, conviviis
apparatis delectantur, in tantum aes alienum inciderunt, ut, si
salvi esse velint, Sulla sit iis ab inferis excitandus: qui etiam
nonnullos agrestes homines tenues atque egentes, in eandem is-
tam spem rapinarum veterum impulerunt. Quos ego utrosque,
Quirites, in eodem genere praedatorum direptorumque pono.
Sed eos hoc moneo, desinant furere, et proscriptiones et dicta-
turas cogitare. Tantus enim illorum temporum dolor inustus est
civitati, ut jam ista non modò homines, sed ne pecudes quidem
mihi passurae esse videantur.

X. Quartum (11)genus est sanè varium, et mistum, et turbu-
lentum; qui jampridem premuntur; qui nunquam emergent:
qui partim inertia, partim malè gerendo negotio, partim etiam

NOTES.

(10) *Tertium genus est.*] The two former classes were made up of men who, indeed, wished well to the conspiracy, yet thought not proper to declare themselves openly, or appear in arms against the state. The set he now mentions consisted mostly of old soldiers, who, upon the conclusion of the civil war, had been settled in different parts of Italy, where lands were assigned them by Sylla, out of the confiscated estates of those who had opposed him. These, having squandered away in riot and excess what they had acquired by rapine and oppression, desired nothing so much as a new civil war, that they might a second time enrich themselves with the spoils of their

country. Accordingly they eagerly embraced the present opportunity, and formed much the greater number of those who were now in arms in Manlius's camp.

(11) *Quartum genus.*] The enumeration Cicero here makes of the conspirators is conceived with great art, and admirably calculated to beget that detestation and horror, with which he meant to inspire the minds of his hearers. First, we have a tribe of men immersed in debt, but riveted to their possessions. Secondly, men of ruined fortunes, who aspire after honour and commands, that by oppressing the allies and subjects of the commonwealth, they may in some mea-

ment of public affairs; imagining they shall obtain those honours by throwing the state into confusion, which they despair of luring its tranquillity. To these I shall give the same advice as to the rest, which is, to quit all hope of succeeding in their attempts. For, first, I myself am watchful, active, and attentive to the interest of the republic: then, there is on the side of the honest party, great courage, great unanimity, a vast multitude of citizens, and very numerous forces: in fine, the immortal gods themselves will not fail to interpose in behalf of this unconquered people, this illustrious empire, this fair city, against the daring attempts of guilty violence. And even supposing them to accomplish what they with so much frantic rage desire, do they hope to spring up consuls, dictators, or kings, from the ashes of a city, and blood of her citizens, which with so much treachery and sacrilege they have contrived to spill? They are ignorant of the tendency of their own desires, and that, in case of success, they must themselves fall a prey to some fugitive or gladiator. The third class consists of men of advanced age, but hardened in all the exercises of war. Of this sort is Manlius, whom Catiline now succeeds. These come mostly from the colonies planted by Sylla at Fesulae; which, I am ready to allow, consists of the best citizens, and the bravest men: but coming many of them to the sudden and unexpected possession of great wealth, they run into all the excesses of luxury and profusion. These, by building fine houses, by affluent living, splendid equipages, numerous attendants, and sumptuous entertainments, have plunged themselves so deeply in debt, that, in order to retrieve their affairs, they must recall Sylla from his tomb. I say nothing of those needy, indigent rustics, whom they have gained over to their party by the hopes of seeing the scheme of rapine renewed: for I consider both in the same light of robbers and plunderers. But I advise them to drop their frantic ambition, and think no more of dictatorships and proscriptions. For so deep an impression have the calamities of those times made upon the state, that not only men, but the very beasts would not bear a repetition of such outrages.

SECT. X. The fourth is a mixed, motley, mutinous tribe, who have been long ruined beyond hopes of recovery, and partly through indolence, partly through ill management, partly through

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sure retrieve their affairs. Thirdly, Sylla's veteran soldiers, who wanted to renew the rapines and devastations of the former civil war. Fourthly, a number of town debauchees. Fifthly, a collec-

tion of parricides, cut-throats, and ruffians. And, lastly, the whole troop of gamesters, whoremasters, and sharpers of every denomination.

sumptibus, in vetere aere alieno vacillant; qui vadimoniis, judiciis, proscriptionibus bonorum defatigati, permulti et ex urbe, et ex agris se in illa castra conferre dicuntur. Hosce ego non tam milites acres, quam inficiatores lento^s esse arbitror; qui homines primū si stare non possunt, corruant: sed ita, ut non modò civitas, sed ne vicini quidem proximi sentiant; nam illud non intelligo, quamobrem, si vivere honeste non possunt, perire turpiter velint; aut cur minore dolore perituros se cum multis, quam si soli pereant, arbitrentur. Quintum genus est parricidarum, sicariorum, denique omnium facinorosorum: quos ego à Catilina non revoco; nam neque divelli ab eo possunt: et pereant sanè in latrocincio, quoniam sunt ita multi, ut eos capere carcer non possit. Postremum autem genus est, non solum numero, verùm etiam genere ipso, atque vitâ, quod proprium est Catilinac, de ejus delectu, immo verò de complexu ejus ac sinu: quos pexo capillo nitidos, aut imberbes, aut benè barbatos videtis; manicatis et talaribus tunicis; velis amictos, non togis: quorum omnis industria vitae, et vigilandi labor, in antelucanis coenis expromitur. In his gregibus omnes aleatores, omnes adulteri, omnes impuri, impudicique versantur. Hi pueri tam lepidi ac delicati, non solum amare, et amari, neque cantare, et saltare, sed etiam sicas vibrare, et spargere venena didicerunt: qui nisi exeunt, nisi pereunt, etiam si Catilina perierit, scitote hoc in repub. seminariū Catilinarium futurum. Verumtamen quid sibi isti miseri volunt? num suas secum mulierculas sunt in castra ducturi? quemadmodum autem illis carere poterunt, his praesertim jam noctibus? quo autem pacto illi Apenninum, atque illas pruinias ac nives perferent? nisi idecirco se facilius hiemem toleraturos putant, quòd nudi in conviviis saltare didicerunt. O bellum magnoperè pertimescendum, cùm hanc sit habiturus Catilina scortatorum (12) cohortem praetoriam!

XI. Instruite nunc, Quirites, contra has tam praeclaras Catilinae copias vestra praesidia, vestrosque exercitus: et primū gladiatori illi confecto et saucio consules imperatoresque vestros opponite: deinde contra illam naufragorum ejectam ac debilitatem manum, florem totius Italiae ac robur educite. Jam verò urbes coloniarum ac municipiorum respondebunt (13) Catilinae tumulis silvestribus; neque verò caeteras copias, ornamenta, prae-

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(12) *Cohortem praetoriam.*] The praetorian cohort was a select body of troops, whose business it was to attend upon the general, and serve him by way of a guard. As commanders in chief were anciently called *praetores à praeēndo*, we see hence the reason of the name. Scipio Africanus was the author of this institution among the Romans, selecting

the bravest men of the army for that purpose. These formed afterwards the praetorian bands under the emperors.

(13) *Catilinae tumulis silvestribus.*] *Tumulus* comes à *tumendo*; for wherever the earth swells, there we have a rising ground, or *tumulus*. In some old manuscripts we read *cumulis*, and this seems to me to be the better reading of the

extravagance, droop beneath a load of ancient debt; who, persecuted with arrests, judgments, and confiscations, are said to report in great numbers, both from city and country, to the enemy's camp. These I consider, not as brave soldiers, but dispirited bankrupts. If they cannot support themselves, let them even fall; yet so that neither the city nor neighbourhood may receive any shock. For I am unable to perceive why, if they cannot live with honour, they should choose to die with infamy: or why they should fancy it less painful to die in company with others, than to perish by themselves. The fifth sort is a collection of parricides, assassins, and ruffians of all kinds; whom I ask not to abandon Catiline, as knowing them to be inseparable. Let these even perish in their robberies, since their number is so great that no prison could be found large enough to contain them. The last class, not only in this enumeration, but likewise in character and morals, are Catiline's peculiar associates, his choice companions, and bosom friends; such as you see with curled locks, neat array, beardless, or with beards nicely trimmed; in full dress, in flowing robes, and wearing mantles instead of gowns; whose whole labour in life, and industry in watching, are exhausted upon midnight entertainments. Under this class we may rank all gamesters, whoremasters, and the lewd and lustful of every denomination. These slim delicate youths, practised in all the arts of raising and allaying the amorous fire, not only know to sing and dance, but on occasions can aim the murdering dagger, and administer the poisonous draught. Unless these depart, unless these perish, know, that was even Catiline himself to fall, we shall still have a nursery of Catilines in the state. But what can this miserable race have in view? Do they propose to carry their wenches along with them to the camp? Indeed, how can they be without them, these cold winter nights? But have they considered of the Appenine frosts and snows? or do they imagine they will be the abler to endure the rigours of winter, for having learned to dance naked at revels? O formidable and tremendous war, where Catiline's praetorian guard consists of such a dissolute and effeminate crew!

SECT. XI. Against these gallant troops of your adversary, prepare, O Romans, your garrisons and armies; and first, to that battered and maimed gladiator, oppose your consuls and generals: next, against that outcast miserable crew, lead forth the flower and strength of all Italy. The walls of our colonies and free towns will easily resist the efforts of Catiline's rustic troops. But I ought not to run the parallel farther, or compare your

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two: for it was natural enough in Ci-
pero: to call that promiscuous multitude | of rustics, assembled together in haste,
cumulps silvestres.

sidia vestra, cum illius latronis inopia atque egestate conferre debeo. Sed si, omissis his rebus omnibus, quibus nos suppeditamus, eget ille senatu, equitibus Romanis, populo, urbe, aerario, veetigalibus, cunctâ Italâ, provinciis omnibus, exteris nationibus: si, inquam, his rebus omissis, ipsas causas, quae inter se configunt, contendere velimus, ex eo ipso, quâm valdè illi jacent, intelligere possumus. Ex hac enim parte pudor pugnat, illinc petulantia: hinc pudicitia, illinc stuprum: hinc fides, illinc fraudatio: hinc pietas, illinc scelus: hinc constantia, illinc furor: hinc honestas, illinc turpitudo: hinc continentia, illinc libido: hinc denique aequitas, temperantia, fortitudo, prudentia, virtutes omnes, certant cum iniquitate, cum luxuria, cum ignavia, cum temeritate, cum vitiis omnibus: postremò copia cum egestate, bona ratio cum perdata, mens sana cum amentia, bona denique spes cum omnium rerum desperatione confligit. In hujusmodi certamine ac proelio, nonne, etiamsi hominum studia deficiant, dii ipsi immortales cogent ab his praeclarissimis virtutibus tot et tanta vitia superari?

XII. Quae cùm ita sint, Quirites; vos, quemadmodum jam anteà dixi, vestra tecta custodiis vigiliisque defendite: mihi, ut urbi sine vestro motu, ac sine ullo tumultu, satis esset praesidii, consultum ac provisum est. | Coloni omnes, municipesque vestri, certiores à me facti de hac nocturnâ excursione Catilinae, facile urbes suas, finesque defendant: gladiatores, quam sibi ille maximam manum, et certissimam fore putavit, quanquam meliore animo sunt, quâm pars patriciorum, potestate tamen nostrâ continebuntur. Q. Metellus, quem ego prospiciens hoc, in agrum Gallicanum Picenumque praemisi, aut opprimet hominem, aut omnes ejus motus conatusque prohibebit; reliquis autem de rebus constituendis, maturandis, agendis, jam ad senatum referemus, quem vocari videtis. Nunc illos qui in urbe remanserunt, atque adeò qui contra urbis salutem, omniumque vestrûm, in urbe à Catilina relictî sunt, quanquam sunt hostes, tamen quia nati sunt cives, monitos etiam atque etiam volo. Mea lenitas adhuc si cui solutior visa est, hoc exspectavit, ut id quod latebat, erumperet. Quod reliquum est, jam non possum oblivisci, meam hanc esse patriam, me horum esse consulem: mihi aut cum his vivendum, aut pro his esse moriendum: nullus est portae custos, nullus insidiator viae: si qui exire volunt, consulere sibi possunt:

other resources, preparations, and defences, to the indigence and nakedness of that robber. But if, omitting all those advantages of which we are provided, and he destitute, as the senate, the Roman knights, the people, the city, the treasury, the public revenues, all Italy, all the provinces, foreign states: I say, if, omitting all these, we only compare the contending parties between themselves, it will soon appear how very low our enemies are reduced. On the one side modesty contends, on the other petulance: here chastity, there pollution: here integrity, there treachery: here piety, there profaneness: here resolution, there rage: here honour, there baseness: here moderation, there unbridled licentiousness: in short, equity, temperance, fortitude, prudence, struggle with iniquity, luxury, cowardice, rashness; every virtue with every vice. Lastly, the contest lies between wealth and indigence, sound and depraved reason; strength of understanding and frenzy; in fine, between well-grounded hope and the most absolute despair. In such a conflict and struggle as this, was even human aid to fail, will not the immortal gods enable such illustrious virtue to triumph over such complicated vice?

SECT. XII. Such, Romans, being our present situation, do you, as I have before advised, watch and keep guard in your private houses; for as to what concerns the public tranquillity, and the defence of the city, I have taken care to secure that, without tumult or alarm. The colonies and municipal towns, having received notice from me of Catiline's nocturnal retreat, will be upon their guard against him. The band of gladiators, whom Catiline always depended upon as his best and surest support, though in truth they are better affected than some part of the patricians, are nevertheless taken care of in such a manner as to be in the power of the republic. Q. Metellus the praetor, whom, foreseeing Catiline's flight, I sent into Gaul, and the district of Picenum, will either wholly crush the traitor, or baffle all his motions and attempts. And to settle, ripen, and bring all other matters to a conclusion, I am just going to lay them before the senate, which you see now assembling. As for those therefore who continue in the city, and were left behind by Catiline, for the destruction of it and us all; though they are enemies, yet as by birth they are likewise fellow-citizens, I again and again admonish them, that my lenity, which to some may have rather appeared remissness, has been waiting only for an opportunity of demonstrating the certainty of the plot. As for the rest, I shall never forget that this is my country, that I am its consul, and that I think it my duty either to live with my countrymen, or die for them. There is no guard upon the gates, none to watch the roads; if any one has a mind to withdraw himself, he may go

qui verò in urbe se commoverit, cujus ego non modò factum, sed incepsum ullum conatumve contra patriam deprehendero, sentiet in hac urbe esse consules vigilantes, esse egregios magistratus, esse fortem senatum, esse arma, esse (14) carcerem, quem vindicem nefariorum ac manifestorum scelerum majores nostri esse voluerunt.

XIII. Atque haec omnia sic agentur, Quirites, ut res maximae minimo motu, pericula summa nullo tumultu, bellum intestinum ac domesticum, post hominum memoriam crudelissimum ac maximum, (15) me uno togato duce et imperatore, sedetur; quod ego sic administrabo, Quirites, ut, si ullo modo fieri poterit, ne improbus quidem quisquam in hac urbe poenam sui sceleris sufferat. Sed si vis manifestae audaciae, si impendens patriae periculum me necessariò de hac animi lenitate deduxerint, illud profectò perficiam, quod in tanto et tam insidioso bello vix optandum videtur, ut ne quis bonus intereat, paucorumque poenâ vos omnes jam salvi esse possitis. Quae quidem ego neque meâ prudentiâ, neque humanis consiliis fretus polliceor vobis, Quirites; sed multis et (16) non dubiis deorum immortalium significationibus, quibus ego ducibus in hanc spem sententiamque sum ingressus: qui jam non procul, ut quondam solebant, ab extero hoste atque longinquò, sed hic praesentes suo numine atque auxilio sua templa, atque urbis tecta defendunt: quos vos, Quirites, precari, venerari, atque implorare debetis, ut quam urbem pulcherrimam, florentissimam, potentissimamque esse voluerunt, hanc, omnibus hostium copiis terrâ marique superatis, à perditissimorum civium nefario scelere defendant.

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(14) *Carcerem—vindicem nefariorum.*] Ulpian tells us, that the prison was built, not for the punishment of bad citizens, but to be a check upon them, and prevent all occasions of punishment. Cicero here maintains the direct contrary, and asserts, that the great design of it was, that guilt and impiety might not escape due vengeance. Both these ends are very compatible, and ought doubtless to be considered jointly in the present case. The prison was built in a conspicuous part of the city, that where a principle of conscience was not sufficient to restrain men, they might be awed by having this object of terror constantly before their eyes. But if, notwithstanding so powerful a monitor, they were so far swayed by their corrupt inclinations, as to violate the laws of their country, they thereby rendered themselves obnoxious to the demands of justice; and what was

primarily intended only to restrain men, and prevent the commission of crimes, became, after they were committed, a place of suffering and punishment.

(15) *Me uno togato duce et imperatore.*] The consuls, before their setting out on any military expedition, used to put off their gowns, and put on their military dress, with great ceremony and public sacrifices. Cicero tells them, his scheme for suppressing the conspiracy was so well laid, that without changing his gown, the dress of peace, he would quell all the disturbance.

(16) *Non dubiis deorum immortalium significationibus.*] Plutarch, in his life of Cicero, tells us, that while Terentia, the orator's wife, with the vestal virgins, and the principal matrons of Rome, were sacrificing, according to annual custom, to the goddess Bona, a bright flame issued suddenly from the altar, to the

wherever he pleases. But whoever makes the least stir within the city, so as to be caught not only in any overt act, but even in any plot or attempt against the republic, he shall know that here are in it vigilant consuls, excellent magistrates, and a resolute senate; that there are arms, and a prison, which our ancestors provided as the avenger of manifest and atrocious crimes.

SECT. XIII. And all this shall be transacted in such a manner, citizens, that the greatest disorders shall be quelled without the least hurry; the greatest dangers without any tumult; a domestic and intestine war, the most cruel and desperate of any in our memory, by me your only leader and general in my gown; which I will manage so, that, as far as it is possible, not one even of the guilty shall suffer punishment in the city? but if their avariciousness and my country's danger should necessarily drive me from this mild resolution; yet I will effect, what in so cruel and reacherous a war could hardly be hoped for, that not one honest man shall fall, but all of you be safe by the punishment of a few. This I promise, citizens, not from any confidence of my own prudence, or from any human counsels, but from the many evident declarations of the gods, by whose impulse I am led into his persuasion; who assist us, not as they used to do, at a distance, against foreign and remote enemies, but by their present help and protection defend their temples and our houses. It is your part, therefore, citizens, to worship, implore, and pray to them, that since all our enemies are now subdued both by land and sea, they would continue to preserve this city, which was designed by them for the most beautiful, the most flourishing, and most powerful on earth, from the detestable treasons of its own desperate citizens.

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astonishment of the whole company. Many other prodigies happened during the course of the conspiracy, of all which Cicero makes frequent mention in his speeches: for it was of great use to him to possess the minds of the people, as strongly as he could, with an apprehension of their danger, for the sake of disposing them the more easily to approve

his conduct, and concur with him in whatever measures he should think necessary for the public safety. He also improves this circumstance to animate the people, by representing the gods as interesting themselves particularly in their preservation, and pointing out to them the course they were to pursue.

ORATIO VI.

III. IN L. CATILINAM.*

I. REMPUBLICAM, Quirites, vitamque omnium vestrum, bona, fortunas, conjuges, liberosque vestros, atque hoc domicilium clarissimi imperii, fortunatissimam pulcherrimamque urbem, hodierno die, deorum immortalium summo erga vos amore, labori-

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* Catiline, as we have seen, being forced to leave Rome, Lentulus, and the rest who remained in the city, began to prepare all things for the execution of their grand design. They solicited men of all ranks, who seemed likely to favour their cause, or to be of any use to it; and, among the rest, agreed to make an attempt upon the ambassadors of the Allobrogians, a warlike, mutinous, faithless people, inhabiting the countries now called Savoy and Dauphiny, greatly disaffected to the Roman power, and already ripe for rebellion. These ambassadors, who were preparing to return home, much out of humour with the senate, and without any redress of the grievances which they were sent to complain of, received the proposal at first very greedily, and promised to engage their nation to assist the conspirators with what they principally wanted, a good body of horse, whenever they should begin the war: but reflecting afterwards, in their cooler thoughts, on the difficulty of the enterprise, and the danger of involving themselves and their country in so desperate a cause, they resolved to discover what they knew to Q. Fabius Sanga, the patron of their city, who immediately gave intelligence of it to the consul. Cicero's instructions upon it were, that the ambassadors should continue to feign the same zeal which they had hitherto shewn, and promise every thing which was required of them, till they had got a full insight into the extent of

the plot, with distinct proofs against the particular actors in it: upon which, at their next conference with the conspirators, they insisted on having some credentials from them to shew to their people at home, without which they would never be induced to enter into an engagement so hazardous. This was thought reasonable, and presently complied with, and Vulturcius was appointed to go along with the ambassadors, and introduce them to Catiline on their road, in order to confirm the agreement, and exchange assurances also with him; to whom Lentulus sent at the same time a particular letter under his own hand and seal, though without his name. Cicero being punctually informed of all these facts, concerted privately with the ambassadors the time and manner of their leaving Rome in the night, and that on the Milvian bridge, about a mile from the city, they should be arrested with their papers and letters about them, by two of the praetors, L. Flaccus and C. Fontinus, whom he had instructed for that purpose, and ordered to lie in ambush near the place, with a strong guard of friends and soldiers; all which was successfully executed, and the whole company brought prisoners to Cicero's house by break of day. The rumour of this accident presently drew a resort of Cicero's principal friends about him, who advised him to open the letters before he produced them in the senate, lest if nothing of moment were found in them, it might be thought

ORATION VI.

III. *AGAINST CATILINE.*

SECT. I. To-DAY, Romans, you behold the commonwealth, your
ives, estates, fortunes, your wives and children, the august seat
f this renowned empire, this fair and flourishing city, preserved
nd restored to you, rescued from fire and sword, and almost
natched from the jaws of fate, by the distinguished love of the
mortal gods towards you, and by means of my toils, counsels

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ish and imprudent to raise an unnecessary
teror and alarm through the city.
ut he was too well informed of the
ontents, to fear any censure of that kind,
nd declared, that in a case of public
inger, he thought it his duty to lay the
atter entire before the public council.
e summoned the senate therefore to
et immediately, and sent at the same
ne for Gabinius, Statilius, Cethagus,
d Lentulus, who all came presently to
s house, suspecting nothing of the dis
covery; and being informed also of a
ianty of arms provided by Cethagus
r the use of the conspiracy, he ordered
Sulpicius, another of the praetors, to
search his house, where he found
great number of swords and daggers,
ith other arms, all newly cleaned, and
ady for present service.—With this pre
paration he set out to meet the senate in
e temple of Concord, with a numerous
ard of citizens, carrying the ambassa
rs and the conspirators with him in
estody: and after he had given the as
embly an account of the whole affair,
e several parties were called in and
mined, and an ample discovery made
the whole progress of the plot. After
te criminals and witnesses were with
awn, the senate went into a debate

upon the state of the republic, and came
unanimously to the following resolutions: That public thanks should be de
creed to Cicero in the amplest manner;
by whose virtue, counsel, and providence,
the republic was delivered from the
greatest dangers: that Flaccus and Pom
tinus, the praetors, should be thanked
likewise for their vigorous and punctual
execution of Cicero's orders: that Antonius,
the other consul, should be praised
for having removed from his counsels all
those who were concerned in the conspi
racy: that Lentulus, after having abdi
cated the praetorship, and divested him
self of his robes; and Cethagus, Stati
lius, and Gabinius, with their other ac
complices also, when taken, Cassius, Cae
parius, Furius, Chilo, Umbrenns, should
be committed to safe custody; and that
a public thanksgiving should be appoint
ed in Cicero's name, for his having pre
served the city from a conflagration, the
citizens from a massacre, and Italy from
a war. The senate being dismissed, Ci
cero went directly into the rostra; and,
in the following speech, gave the people
an account of the discovery that had been
made, with the resolutions of the senate
consequent thereupon.

bus, consiliis periculisque meis, ex flamma atque ferro, ac penè (1) ex faucibus fati ereptam, et vobis conservatam ac restitutam videtis. Et, si non minùs nobis jucundi atque illustres sunt iides, quibus conservamur, quām illi, qnibus nascimur; (2) quòd salutis certa laetitia est, nascendi incerta conditio; et quòd sine sensu nascimur, cum voluptate conservamur: profectò, quoniam illum, qui hanc urbem condidit, (3) Romulum, ad deos immortales benevolentia, famaque sustulimus; esse apud vos, posteros que vestros in honore debebit is, qui eandem hanc urbem conditam amplificatamque servavit; nam totius urbis, templis, delbris, tectis ac moenibus subjectos propè jam ignes, circumdatos que restinximus: iidemque gladios in rempub. destrictos retudimus, mucronesque eorum à jugulis vestris rejecimus. Quae quoniam in senatu illustrata, patefacta, compertaque sunt per me vobis jam exponam breviter, Quirites, ut et quanta, et quām manifesta, et quā ratione investigata et comprehensa sint, vos, qui et ignoratis, et exspectatis, scire possitis. Principio, ut Catilina paucis antè diebus erupit ex urbe, cùm sceleris sui socios, ut hujusce nefarii belli acerrimos duces Romae reliquisset; semper vigilavi, et providi, Quirites, quemadmodum in tantis et tam absconditis insidiis salvi esse possemus.

II. Nam tum, cùm ex urbe Catilinam ejiciebam (non enim jam vereor hujus verbi invidiam, cùm illa magis sit timenda quòd vivus exierit), sed tum cùm illum exterminari volebam aut reliquam conjuratorum manum simul exituram, aut eos qui restitissent, infirmos sine illo, ac debiles fore putabam. Atque ego, ut vidi, quos maximo furore, et scelere esse inflammatus sciebam, eos nobiscum esse, et Romae remansisse: in eo omnes dies noctesque consumpsi, ut, quid agerent, quid molirentur, se tarem ac viderem: ut, quoniam auribus vestris, propter incredulitatem vestram, non possemus.

NOTÉS.

(1) *Ex faucibus fati.*] A metaphorical expression, alluding to the danger incurred by an attack from beasts of prey. Fate, according to the Stoics, was a certain immutable series of events, which followed one another in train, by such an unavoidable necessity, that even the gods themselves could not hinder their coming to pass. The reason why this word is often used by the ancients, to denote death, or the dissolution of states and kingdoms, may be best derived from a notion which prevailed among them, that at the very moment of a man's birth, the day of his death was irreversibly fixed by fate; and that in all governments, the seeds of dissolution were mixed with their original frame, and never failed to operate when the appointed time came.

(2) *Quod salutis certa laetitia est.*] When we escape any imminent danger that threatened us, and under the apprehension of which we were uneasy, we are sensible of our good fortune, and taste the safety we enjoy with the highest relish. Hence, a day of preservation always a day of joy and triumph. If now the day of our birth is not attended with any such consciousness: and even supposing it were, yet is the condition of human life attended with so much uncertainty, that it is hard to say whether we have more reason to lament or rejoice. For how often is our present condition so entangled with snares and difficulties, that a wise man would think rather to be shunned than coveted? No whole nations have made it a practice to consider the day of a man's nativity,

and dangers. And, if the days in which we are preserved from ruin be no less joyous and memorable than those of our birth, because the pleasure of deliverance is certain, the condition to which we are born uncertain, and because we never enter upon life without consciousness, but are always sensible to the joys of preservation; surely, since our gratitude and esteem for Romulus, the founder of this city, has induced us to rank him amongst the immortal gods, he cannot but merit honour with you and posterity, who has preserved the same city, with all its accessions of strength and grandeur. For we have extinguished the flames that were dispersed on all sides, and just ready to seize the temples, sanctuaries, dwellings, and walls of this city; we have blunted the swords that were drawn against the state, and turned aside the daggers that were pointed at your throats. And, as all these particulars have been already explained, cleared, and fully proved by me in the senate, I shall now, Romans, lay them briefly before you, that such as are strangers to what has happened, and wait with impatience to be informed, may understand what a terrible and manifest destruction hung over them, how it was traced out, and in what manner discovered. And, first, ever since Catiline, a few days ago, fled from Rome, as he left behind him the partners of his treason, and the boldest champions of this execrable war, I have always been upon the watch, Romans, and studying how to secure you amidst such dark and complicated dangers.

SECT. II. For, at that time, when I drove Catiline from Rome, (for now I dread no reproach from that word, but rather the censure of having suffered him to escape alive); I say, when I forced him to quit Rome, I naturally concluded, that the rest of his accomplices would either follow him, or, being deprived of his assistance, would proceed with less vigour and firmness. But when I found that the most daring and forward of the conspirators still continued with us, and remained in the city, I employed myself night and day to unravel and fathom all their proceedings and designs; that, since my words found less credit with

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a day rather of sorrow than joy; because he then entered into a state of misery and tribulation.

(S) *Romulum ad deos sustulimus.*] So we learn from *Aurelius Victor*, cap. 2. de viris illust. "Cum ad Capreae paludem exercitum lustraret, nusquam comparuit, unde inter patres et populum seditione orta, Julius Proculus, vir nobilis, in concionem processit, et

" jurejurando firmavit, Romulum à se
" in colle Quirinali visum augustiore
" formā, cum ad deos abiret; eundem
" que praecipere ut seditionibus abstine-
" rent, virtutem colerent; futuram ut
" omnium gentium domini existereret.
" Hujus auctoritati creditum est. Aedes
" in colle Quirinali Romulo constituta,
" ipse pro deo cultus, Quirinus est ap-
" pellatus."

bilem magnitudinem sceleris, minorem fidem faceret oratio mea, rem ita comprehendenderem, ut tum demum animis saluti vestræ provideretis, cùm oculis maleficium ipsum videretis. Itaque ut comperi legatos (4) Allobrogum, (5) belli Transalpini, et tumultus Gallici excitandi causâ, à P. Lentulo esse solicitatos; eosque in Galliam ad suos cives, eodem itinere, cum literis mandatisque ad Catilinam esse missos, comitèmque iis adjunetum Vulturium, atque huic datas esse ad Catilinam literas: facultatem mihi oblatam putavi, ut, quod erat difficultimum, quòdque ego semper optabam à diis immortalibus, tota res non solum à me, sed etiam à senatu, et à vobis manifestò deprchenderetur. Itaque hesterno die L. Flaccum et C. Pomtinum praetores, fortissimos atque amantissimos reipublicae viros, ad me vocavi: rem omnem exposui: . quid fieri placeret, ostendi. Illi autem, qui omnia de republ. praeclara atque egregia sentirent, sine recusatione, ac sine ulla mora negotium suscepserunt, et cùm advesperasceret, occultè ad pontem Milvium pervenerunt: atque ibi in proximis villis ita bipartiti fuerunt, ut Tiberis inter eos, et pons interesse. Eòdem autem et ipsi, sine cuiusquam suspicione, multos fortes viros eduxerunt; et ego de praefectura Reatina complures delectos adolescentes, (6) quorum operâ utor assiduè in reipublicae praesidio, cum gladiis miseram. Interim (7) tertiâ ferè vigiliâ exactâ;

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(4) *Allobrogum.*] These were Gauls who, passing the Alps, settled on the Italian side, in those parts now called Savoy and Piedmont. They were a brave people, and maintained a war with the Romans for a long time; but, before this, had been totally subdued, and governed by the Roman praetor, who had the care of *Gallia Narbonensis*.—About the time of the breaking out of this conspiracy, they had sent ambassadors to Rome, to complain of the oppressions and extortion of their governor. Lentulus took this opportunity of increasing the strength of the conspiracy, by promising the Allobrogians an abatement of their taxes, if they would rise in favour of Catiline, and assist him with their forces. The ambassadors, after some deliberation, resolved to discover the affair to Q. Fabius Sanga, their patron at Rome, who immediately disclosed it to Cicero. The consul advised them to agree with the conspirators, and get a covenant for them, signed by the principal men, to carry home to their constituents. This the conspirators consent to, and at the same time desire them to take Catiline's camp in their way; for which purpose, they send one of their party, Vulturius, along with them, with letters to their general. Cicero getting notice of this from the am-

bassadors, took the whole party prisoners upon the road, and by this means had full proof against Lentulus, and the other heads of the plot, whom he immediately seized.

(5) *Belli Transalpini, et tumultus Galici.*] When the Roman arms were employed in Farther Gaul, this Cicero calls a *war*; but when Hither Gaul was the scene of action, he gives it the name of a *tumult*, *tumultus*. The difference between these two lies in this, that *war* is a word of a more extensive signification, and was not accounted so formidable as a *tumult*. For, by a *tumult*, the Romans understood some very dangerous commotion, that threatened the capital of the empire itself, as happening either in the very bosom of Italy, or in Cisalpine Gaul, a country that immediately bordered upon Italy, and whose inhabitants had formerly brought many calamities upon the Romans. But we cannot better distinguish between *bellum* and *tumultus*, than in the words of Cicero himself, who thus speaks of them in his eighth Philippic: *Potest enim esse bellum sine tumultu, tumultus esse sine bello non potest. Quid est enim aliud tumultus, nisi perturbatio tanta ut major timor oriatur?* Unde etiam nomen dicum est *tumultus*. Itaque maiores nostri *tumultum Italicum*, quòd erat

you, because of the inconceivable enormity of the treason, I might lay the whole so clearly before you, as to compel you at length to take measures for your own safety, when you could no longer avoid seeing the danger that threatened you. Accordingly, when I found that the ambassadors of the Allobrogians had been solicited by P. Lentulus to kindle a war beyond the Alps, and raise commotions in Hither Gaul; that they had been sent to engage their state in the conspiracy, with orders to confer with Catiline by the way, to whom they had letters and instructions; and that Vulturcius was appointed to accompany them, who was likewise entrusted with letters to Catiline; I thought a fair opportunity offered, not only of satisfying myself with regard to the conspiracy, but likewise of clearing it up to the senate and you, which had always appeared a matter of the greatest difficulty, and been the constant subject of my prayers to the immortal gods. Yesterday, therefore, I sent for the praetors L. Flaccus, and C. Pomtinus, men of known courage, and distinguished zeal for the republic. I laid the whole matter before them, and made them acquainted with what I designed. They, full of the noblest and most generous sentiments with regard to their country, undertook the business without delay or hesitation; and upon the approach of night, privately repaired to the Milvian bridge, where they disposed themselves in such manner in the neighbouring villages, that they formed two bodies, with the river and bridge between them. They likewise carried along with them a great number of brave soldiers, without the least suspicion; and I dispatched from the praefecture of Reate, several chosen youths well armed, whose assistance I had frequently used in the defence of the commonwealth. In the mean time, towards the close of the third watch, as the deputies of the Allo-

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erat domesticus; tumultum Gallicum, quid erat Italae finitimus; praeterea nullum tumultum nominabant.

(i) *Quorum operā utor assiduē in reipublicae praesidio, cum gladiis miseram.*] Muretus observes, that in some ancient manuscripts of Cicero, the sentence runs thus: *Quorum operā utor assiduē in reipublica, praesidiis cum gladiis miseram;* according to which way of pointing and reading, *praesidio* is to be joined with *miseram*, so as to render the construction of the paragraph *miseram praesidio*, not *in praesidio reipublicae*. Of the four first, and principal editors of Cicero, Lanbinus alone approves this emendation of Muretus. Graevius has admitted it into the text itself, but, I am apt to think, without due consideration; for,

as Buherius judiciously observes, *eorum operā uteris in republica, quos in concilium advocas: Opera in republicae praesidio ad iis ponitur, qui manū eom defendunt. Reatinos autem adolescentes illos, non adhibebat sane ad consultandum Cicerο. Eorum igitur operā non utrabatur in republica, sed in praesidio reipublicae.*

(7) *Tertiā fere nigiliā exactū.*] The division of the night into four watches by the ancients, is mentioned by Julius Pollux, in his first book. Sudas too takes notice of it, and expressly calls a watch the fourth part of a night. They commenced at sun-setting, and ended at sunrise, consisting each of three hours; so that the third watch began exactly at midnight, and ended about three in the morning, supposing the sun to rise at six.

cùm jām pontem cum magno comitatu legati Allobrogum ingredi inciperent, unáque Vulturcius; fit in eos impetus: educuntur et ab illis gladii, et à nostris: res erat praetoribus nota solis: ignorabatur à caeteris.

III. Tum interventu Pomtini atque Flacci, pugna, quae erat commissa, sedatur: literae quaecunque erant in eo comitatu, integris signis, praetoribus traduntur: ipsi comprehensi, ad me, cùm jam dilucesceret, deducuntur. Atque horum omnium sclerum improbissimum machinatorem Cimbrum Gabinium, statim ad me, nihildum suspicantem, vocavi. Deinde item arcessitur P. Statilius, et post eum Cethagus: tardissimè autem Lentulus venit, credo quòd literis dandis praeter consuetudinem proximâ nocte vigilârat. Cùm verò summis ac clarissimis hujus civitatis viris, qui, auditâ re, frequentes ad me manè convenerant, literas à me priùs aperiri, quām ad senatum referri placeret, ne, si nihil esset inventum, temerè à me tantus tumultus injectus civitati videretur, negavi me esse facturum, ut de periculo publico non ad consilium publicum rem integrum deferrem. Etenim, Quirites, si ea, quae erant ad me delata, reperita non essent, tamen ego non arbitrabar in tantis reip. periculis esse mihi nimiam diligentiam pertimescendam. Senatum frequentem celeriter, ut vidistis, coegi; atque interea statim, admonitu Allobrogum, C. Sulpiciū praetorem, fortē virum, misi, qui ex aedibus Cethagi, si quid telorum esset, efferret: ex quibus ille maximum sicarum numerum et gladiorum extulit.

IV. Introduxi Vulturciū sine Gallis: fidem ei publicam jussu senatū dedi: hortatus sum, ut ea quae sciret, sine timore indicaret. Tum ille dixit, cùm vix se ex magno timore recreasset, à P. Lentulo se habere ad Catilinam mandata et literas, ut servorum praesidio uteretur, et ad urbem quamprimum cum exercitu accederet: id autem eo consilio, ut, cùm urbem omnibus ex partibus, quemadmodum descriptum distributumque erat, incendissent, caedemque infinitam civium fecissent, praestò esset ille, qui et fugientes exciperet, et se cum his urbanis ducibus conjungeret. Introducti autem Galli jusjurandum sibi et literas à P. Lentulo, Cethego, Statio, ad suan gentem datas esse dixerunt: atque ita sibi ab his et à L. Cassio esse praescriptum, ut equitatum in Italiam quamprimum mitterent, pedestres sibi copias non defuturas:

ogians, accompanied by Vulturcius, began to pass the bridge with a great retinue, our men came out against them, and swords were drawn on both sides. The affair was known to the praetors alone, none else being admitted to the secret.

SECT. III. Upon the coming up of Pomtinus and Flaccus, the conflict ceased; all the letters they carried with them were delivered sealed to the praetors; and the deputies with their whole retinue being seized, were brought before me, towards the dawn of day. I then sent for Gabinius Cimber, the contriver of all these detestable treasons, who suspected nothing of what had passed. L. Statilius was summoned next, and then Cethegus. Lentulus came the last of all, probably because, contrary to custom, he had been up the greatest part of the night before, making out the dispatches. Many of the greatest and most illustrious men in Rome, hearing what had passed, crowded to my house in the morning, and advised me to open the letters before I communicated them to the senate; lest, if nothing material was found in them, I should be blamed for rashly occasioning so great an alarm in the city. But I refused to comply, that an affair which threatened public danger might come entire before the public council of the state. For, citizens, had the information given me appeared to be without foundation, I had yet little reason to apprehend that my censure would befall me for my over diligence in so dangerous an aspect of things. I immediately assembled, as you saw, every full senate; and at the same time, in consequence of a hint from the Allobrogian deputies, dispatched C. Sulpicius the praetor, a man of known courage, to search the house of Cethegus, where he found a great number of swords and daggers.

SECT. IV. I introduced Vulturcius without the Gallic deputies: and, by order of the House, offered him a free pardon in the name of the public, if he would faithfully discover all that he knew: upon which, after some hesitation, he confessed that he had letters and instructions from Lentulus to Catiline, to press him to accept the assistance of the slaves, and to lead his army with all expedition towards Rome, to the intent that when, according to the scheme previously settled and concerted among them, it should be set on fire in different places, and the general massacre begun, he might be at hand to intercept those who escaped, and join with his friends in the city. The ambassadors were next brought in, who declared, that an oath of secrecy had been exacted from them, and that they had received letters to their nation from Lentulus, Cethegus, and Statilius; that these three, and L. Cassius also, required them to send a body of horse as soon as possible into Italy, declaring that they had no occasion for any foot; that Lentulus had assured them, from the

Lentulum autem sibi confirmâsse ex fatis Sibyllinis, (8) haruspicunque responsis, se esse tertium illum Cornelium, ad quem regnum urbis hujus, atque imperium pervenire esset necesse: Cinnam ante se, et Syllam fuisse: eundemque dixisse, fatalem hunc esse annum ad interitum hujus urbis atque imperii, qui esset decimus annus post virginum absolutionem, post Capitolii autem incensionem vicesimus; hanc autem Cethego cum caeteris controversiam fuisse dixerunt, quòd, cùm Lentulo et caeteris, Saturinalibus caedem fieri, atque urbem incendi placeret, Cethego nimùm id longuè videretur.

V. Ac, ne longum sit, Quirites, tabellas proferri jussimus, quae à quoque dicebantur datae. Primum ostendimus Cethego signum: cognovit; nos linum incidimus: legimus; erat scriptum ipsius manu, Allobrogum senatui et populo, sese, quae eorum legatis confirmâsset, esse facturum; orare, ut item illi facerent, quae sibi legati eorum (9) preecepissent. Tum Cethegus, qui paulò antè aliquid tamen de gladiis ac sics, quae apud ipsum erant deprehensae, respondisset, dixissetque se semper bonorum ferramentorum studiosum fuisse, recitatis literis debilitatus atque abjectus, conscientiâ convictus repente conticuit. Introductus Statilius, cognovit et manum et signum suum; recitatae sunt tabellae in eandem ferè sententiam: confessus est; tum ostendi tabellas Lentulo, et quaesivi cognosceretne signum; annuit; est verò, inquam, signum quidem notum, imago avi tui, clarissimi viri, qui amavit unicè patriam, et cives suos; quae quidem te à tanto scelere etiam muta revocare debuit. Leguntur eâdem ratione ad senatum Allobrogum populumque literae; si quid de his rebus dicere vellet feci potestatem. Atque ille quidem primò negavit: pòst autem aliquanto, toto indicio exposito atque edito, surrexit: quaesivi à Gallis, quid sibi esset cum iis, quamobrem domum suam venissent; itemque à Vulturcio; qui cùm illi breviter constantérque respondissent, per quem ad eum, quotiesque venissent: quaesis-

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(8) *Haruspicunque responsis se esse tertium illum Cornelium.*] The *Haruspices* or *Aruspices*, were so called, according to the most common derivation, *quia in ara exta animalium inspiciebant*. Donatus, however, gives the word another etymology. *Haruspex*, says he, *ab Haruga nominatur; nam Haruga dicitur hostia ab Hara, in qua concluditur et servatur. Hara autem est, in qua pecora inctiduntur.* From the Sibylline books, and the answers of the soothsayers, Lentulus was made to believe that he was the third Cornelius destined to rule in Rome. It seems, among the Sibylline verses, there were found three K's; which the Greeks interpreted of the Cappado-

cians, Cilians, and Cretans; but the Romans applied them to three of the name of Cornelius, viz. Cinna, Sylla, and Lentulus.

(9) *Preecepissent.*] This reading is supported by the authority of almost all the manuscripts and editions of Cicero. If we admit it, the passage must be explained thus: *ut item illi facerent, videlicet, senatus et populus Gallorum, quae sibi, nempe senatui et populo Gallorum legati preecepissent, id est, praescripsissent, et faciendum esse ostendissent.* But Muretus thinks we ought to read *recepissent*, according to which, the sense Cicero will be, *quaesivi sibi nempe Lentulus legati eorum recepissent, id est, sponpondi-*

Sibylline books, and the answers of soothsayers, that he was the third Cornelius, who was destined to empire and the sovereignty of Rome, which Cinna and Sylla had enjoyed before him; and that this was the fatal year marked for the destruction of the city and empire, being the tenth from the acquittal of the vestal virgins, and the twentieth from the burning of the Capitol: that there was some dispute between Cethegus and the rest about the time of firing the city; because, while Lentulus and the other conspirators were for fixing it on the feast of Saturn, Cethegus thought that day too remote and dilatory.

SECT. V. But not to be tedious, Romans, I at last ordered the letters to be produced, which were said to be sent by the different parties. I first shewed Cethegus his seal; which he owning, I opened and read the letter. It was written with his own hand, and addressed to the senate and people of the Allobrogians, signifying, that he would make good what he had promised to their ambassadors, and entreating them also to perform what the ambassadors had undertaken for them. Then Cethegus, who a little before being interrogated about the arms that were found at his house, had answered, that he was always particularly fond of neat arms; upon hearing his letter read, was so dejected, confounded, and self-convicted, that he could not utter a word in his own defence. Statilius was then brought in, and acknowledged his hand and seal; and when his letter was read, to the same purpose with that of Cethegus, he confessed it to be his own. Then Lentulus's letter was produced. I asked if he knew the seal? he owned he did. It is indeed, said I, a well-known seal; the head of your illustrious grandfather, so distinguished for his love to his country and fellow-citizens, that it is amazing the very sight of it was not sufficient to restrain you from so black a treason. His letter, directed to the senate and people of the Allobroges, was of the same import with the other two: but having leave to speak for himself, he at first denied the whole charge, and began to question the ambassadors and Vulturnius, what business they ever had with him, and on what occasion they came to his house? To which they gave clear and distinct answers; signifying by whom, and how often they had been introduced to him; and then asked him in their turn, whether he had ever mentioned any thing to them about the Sibyl-

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sent, et suo periculo promisissent. This is | by far the most natural and obvious much the better reading, and furnishes | sense.

sentque ab eo, nihilne secum esset de fatis Sibyllinis locutus: tum ille subitò, scelere deimens, quanta vis conscientiae esset, ostendit; nam cùm id posset insitiari, repente praeter opinionem omnium confessus est: ita eum non modo ingenium illud, et dicendi exercitatio, quā semper valuit, sed etiam propter vim sceleris manifesti atque deprehensi, impudentia, quā superabat omnes, improbitasque defecit. Vulturcius verò subitò proferri literas, atque aperiri jussit, quas sibi à Lentulo ad Catilinam datas esse dicebat. Atque ibi vehementissimè perturbatus Lentulus, tamen et manum et signum suum cognovit; erant autem scriptae sine nomine, sed ita: (10) **QUI SIM, EX EO, QUEM AD TE MISI, COGNOSCES.** CURA UT VIR SIS, ET COGITA, QUEM IN LOCUM SIS PROGRESSUS: ET VIDE, QUID JAM TIBI SIT NECESSSE. CURA UT OMNIUM TIBI AUXILIA ADJUNGAS, ETIAM INFIMORUM. Gabinius deinde introductus, cùm primò impudentè respondere coepisset, ad extremum nihil ex iis quae Galli insimulabant negavit. Ac mihi quidem, Quirites, cùm illa certissima sunt visa argumenta atque indicia sceleris, tabellae, signa, manus, denique uniuscujusque confessio: tum multò illa certiora, color, oculi, vultus, taciturnitas; sic enim obstupuerant, sic terram intuebantur, sic furtim nonnunquam inter se aspiciebant, ut non jam ab aliis indicari, sed indicare se ipsi viderentur.

VI. Indiciis expositis atque editis, Quirites, senatum consului de summa reipub. quid fieri placeret; dictae sunt à principibus acerrimae ac fortissimae sententiae, quas senatus sine ulla varietate est consecutus. Et quoniam nondum est perscriptum S. C. ex memoria vobis, Quirites, quid senatus censuerit, exponam. Primùm mihi gratiae verbis amplissimis aguntur, quòd virtute, consilio, providentiâ meâ, respub. periculis sit maximis liberata: deinde L. Flaccus et C. Pomtinus praetores, quòd eorum operâ forti fidelique usus essem, meritò ac jure laudantur: atque etiam viro forti, collegae meo, C. Antonio laus impertitur, quòd eos, qui hujus coniurationis participes fuissent, à suis et reipub. consiliis removisset; atque ita censuerunt, (11) ut P. Lentulus, cùm se praeturâ abdicasset, tum in custodiam traderetur: itemque

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(10) *Qui sim, ex eo quem ad te misi, cognosces.]* This letter of Lentulus to Catiline, is worded somewhat differently in Sallust, who gives it as follows: *Qui sim, ex eo, quem ad te misi, cognosces. Fac cogites, in quanta calamitate sis; et memineris, te esse virum; consideres, quid tuae rationes postulent; auxilium petas ab omnibus, etiam ab infimis.* " You will learn " who I am, by the messenger that " brings you this letter. Reflect on the " dangerous situation in which you are, " and acquit yourself like a man. Weigh

" well what your present circumstances " require, and reject none who offer " their assistance, not even the lowest."

(11) *Ut P. Lentulus, cùm se praeturâ abdicasset.]* The reader may perhaps wonder how Lentulus came to be praetor at this time, as he was now considerably in years. But this wonder will cease, when he is informed that this was the second praetorship of Lentulus. Now, as, by the Cornelian law, no one was capable of enjoying the same magistracy a second time, till after an interval

line oracles? upon which being confounded, or infatuated rather by the sense of his guilt, he gave a remarkable proof of the great force of conscience: for not only his usual parts and eloquence, but his impudence too, in which he outdid all men, quite failed him; so that he confessed his crime, to the surprise of the whole assembly. Then Vulturcius desired that the letter to Catiline, which Lentulus had sent by him, might be opened; where Lentulus again, though greatly disordered, acknowledged his hand and seal. It was written without any name, but to this effect: " You will know who I am, from him whom I have sent to you. " Take care to shew yourself a man, and recollect in what situation you are, and consider what is now necessary for you. Be sure to make use of the assistance of all, even of the lowest." Gabinius was then introduced, and behaved impudently for a while, but at last denied nothing of what the ambassadors charged him with. And indeed, Romans, though their letters, seals, hands, and, lastly, their several voluntary confessions, were strong and convincing evidences of their guilt; yet had I still clearer proofs of it from their looks, change of colour, countenances, and silence. For such was their amazement, such their downcast looks, such their stolen glances at one another, that they seemed not so much convicted by the information of others, as detected by the consciousness of their own guilt.

SECT. VI. The proofs being thus laid open and cleared, I consulted the senate upon the measures proper to be taken for the public safety. The most severe and rigorous resolutions were proposed by the leading men, to which the senate agreed without the least opposition. And as the decree is not yet put into writing, I shall, as far as my memory serves, give you an account of the whole proceeding. First of all, public thanks were decreed to me in the amplest manner, for having, by my courage, counsel, and foresight, delivered the republic from the greatest dangers: then the praetors, L. Flaccus and C. Peminius, were likewise thanked for their vigorous and punctual execution of my orders. My colleague, the brave Antonius, was praised for having removed from his own and the counsels of the republic, all those who were concerned in the conspiracy. They then came to a resolution, that P. Lentulus, after having abdi-

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of ten years; it is highly probable that his first praetorship happened when L. Licinius Lucullus and C. Aurelius Cotta were consuls. We are still the more confirmed in this, because, after the usual interval of two years, we find him advanced to the consulship jointly with Cn. Aufidius Orestes. During the censorship of Gellius and Lentulus, who were remarkable for their severity in the exer-

cise of that office, this P. Lentulus, of whom we speak, though at that time a man of consular dignity, was expelled the senate for the enormity of his life. When the legal term of his degradation was expired, in order to recover the senatorian dignity, he was obliged to put in for being praetor a second time, during which praetorship he was put to death for this conspiracy.

ut C. Cethagus, L. Statilius, P. Gabinius, qui omnes praesentes erant, in custodiam traderentur: atque idem hoc decretum est in L. Cassium, qui sibi procreationem incendendae urbis deposcerat: in M. Caeparium, cui ad solicitandos pastores Apuliam esse attributam erat indicatum: in P. Furium, qui est ex his coloniis quas Fesulas L. Sylla deduxit: in Q. Magium Chilonem, qui unā cum hoc Furio semper erat in hac Allobrogum sollicitatione versatus: in P. Umbrenum libertinum hominem, à quo primū Gallos ad Gabiniū perductos esse constabat. Atque eā lenitate senatus est usus, Quirites, ut ex tanta conjuratione, tantāque vi ac multitudine domesticorum hostium, novem hominum perditissimorum poenā, republ. conservatā, reliquorum mentes sanari posse arbitraretur. Atque etiam (12) supplicatio diis immortalibus pro singulari eorum merito, meo nomine decreta est, Quirites: quod mihi primū post hanc urbem conditam togato contigit: et his decreta verbis est, QUOD URBEM INCENDIIS, CAEDE CIVES, ITALIAM BELLO LIBERASSEM. Quae supplicatio si cum caeteris conferatur, Quirites, hoc interest, (13) quod caeterae benē gestā, haec una conservatā republ. constituta est. Atque illud, quod faciendum primū fuit, factum atque transactum est; nam P. Lentulus, quamquam patefactus indiciis, et confessionibus suis, judicio senatus, non modò praetoris jus, verū etiam civis amiserat; tamen magistratu se abdicavit: ut (14) quae religio C. Mario, clarissimo viro, non fuerat, quo minus C. Glauciam, de quo nihil nominatim erat decretum, praetorem occideret, ea nos religione, in privato P. Lentulo puniendo liberaremur.

VII. Nunc, quoniam, Quirites, sceleratissimi periculosissimi que belli nefarios duces captos jam, et comprehensos tenetis; ex-

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(12) *Supplicatio.*] The *supplicatio* was a solemn procession to the temples of the gods, to return thanks for any victory. After obtaining any such remarkable advantage, the general commonly gave the senate an account of the exploit by letters wreathed about with laurel; in which, after the account of his success, he desired the favour of a supplication, or public thanksgiving. This being granted for a set number of days, the senate went in a solemn manner to the chief temples, and assisted at the sacrifices proper to the occasion, holding a feast in the temples to the honour of the respective deities. In the mean time the whole body of the commonalty kept holiday, and frequented the religious assemblies, giving thanks for the late success, and

imploring a long continuance of the divine favour and assistance.

(13) *Quod caeterae benē gestā, haec una conservatā republ. constituta est.*] The meaning is, that thanksgivings had been decreed to others, for their good fortune and successes in war, but to Cicero, for preserving the commonwealth from ruin and by his diligence defeating the designs of its enemies without drawing a sword. Cotta, a man of distinguished abilities, and eminent for the great services he had done his country, proposed this thanksgiving, to which the senate agreed, without one dissenting voice.

(14) *Quae religio.*] As Merouille, the author of the Dauphin edition of Cicero's Select Orations, gives a different explication of this passage, from that which

cated the praetorship, should be committed to safe custody; that C. Cethegus, L. Statilius, P. Gabinius, all three then present, should likewise remain in confinement; and that the same sentence should be extended to L. Cassius, who had offered himself to the task of firing the city; to M. Ceparius, to whom, as appeared, Apulia had been assigned for raising the shepherds; to P. Furius, who belonged to the colonies settled by Sylla at Fesulae; to Q. Magius Chilo, who had always seconded this Furius, in his application to the deputies of the Allobrogians; and to P. Umbrenus, the son of a freedman, who was proved to have first introduced the Gauls to Gabinius. The senate chose to proceed with this lenity, Romans, from a persuasion that though the conspiracy was indeed formidable, and the strength and number of our domestic enemies very great, yet, by the punishment of nine of the most desperate, they should be able to preserve the state, and reclaim all the rest. At the same time a public thanksgiving was decreed in my name to the immortal gods, for their signal care of the commonwealth; the first, Romans, since the building of Rome, that was ever decreed to any man in the gown. It was conceived in these words: "Because
 " I had preserved the city from a conflagration, the citizens from
 " a massacre, and Italy from a war." A thanksgiving, my countrymen, which, if compared with others of the same kind, will be found to differ from them in this, that all others were appointed for some particular services to the republic, this alone for saving it. What required our first care was first executed and dispatched. For P. Lentulus, though, in consequence of the evidence brought against him, and his own confession, the senate had adjudged him to have forfeited not only the praetorship, but the privileges of a Roman citizen, divested himself of his magistracy: that the consideration of a public character, which yet had no weight with the illustrious C. Marius, when he put to death the praetor C. Glauca, against whom nothing had been expressly decreed, might not occasion any scruple to us, in punishing P. Lentulus, now reduced to the condition of a private man.

SECT. VII. And now, Romans, as the detestable leaders of this impious and unnatural rebellion are seized, and in custody, you

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have chosen to follow in the translation, I shall here transcribe what he says on this subject, that the reader, by comparing both, may be the better able to judge which ought to have the preference. *Commendat suum illud factum comparatione illius quod a Mario factum est; nam nihil moratus est ille, quo minus Glauciam interficeret, qui Saturninum tribunum plebis contra rempublicam molieretur.*

tem sequutus fuerat. Nullâ autem religione tenebatur sic agere; at ipse Cicero religione obstringebatur; quia decretum non solum fuit a senatu, ut viderent consules, ne quid respublica detrimenti caperet, verum etiam, ut Lentulum in custodiā traducerent. At Marius tantum jussus est a senatu rempublicam conservare, neque ei quicquam de Glauca demandatum fuerat.

istimare debetis, omnes Catilinae copias, omnes spes, atque opes, his depulsis urbis periculis, concidisse. Quem quidem ego cùm ex urbe pellebam hoc providebam animo, Quirites, remoto Catilinâ, nec mihi esse P. Lentuli somnum, nec L. Cassii adipem, nec C. Cethegi furiosam temeritatem pertimescendam. Ille erat unus timendus ex his omnibus, sed tamdiu, dum moenibus urbis continebatur; omnia nôrat: omnium aditus tenebat: appellare, tentare, solicitare poterat, audebat: erat ei consilium ad facinus aptum: consilio autem neque lingua, neque manus deerat; jam ad caeteras res conficiendas certos homines delectos ac descriptos habebat: neque verò cùm aliquid mandaverat, confectum putabat: nihil erat, quod non ipse obiret, occurreret, vigilaret, laboraret: frigus, sitim, famem ferre poterat. Hunc ego hominem tam acrem, tam paratum, tam audacem, tam callidum, tam in scelere vigilantem, tam in perditis rebus diligentem, nisi ex domesticis insidiis in castrense latrocinium coimpulisset (dicam id, quod sentio, Quirites) non facilè hanc tantam molem mali à cervicibus vestris depulisset; non ille vobis Saturnalia constituisse, neque tanto antè exilium, ac fati diem reipubl. denuntiasset; neque commisisset, ut signum, ut literae suae, testes denique manifesti sceleris deprehenderentur; quae nunc, illo absente, sic gesta sunt, ut nullum in privata domo furtum unquam sit tam palam inventum, quam haec tanta in rempubl. conjuratio manifestò inventa atque deprehensa est. Quòd si Catilina in urbe ad hanc diem remansisset: quanquam quoad fuit, omnibus ejus consiliis occurri atque obstiti, tamen, ut levissimè dicam, dimicandum nobis cum illo fuisset: neque nos unquam, dum ille in urbe hostis fuisset, tantis periculis rempublicam tantâ pace, tanto otio, tanto silentio liberâssemus.

VIII. Quanquam haec omnia, Quirites, ita sunt à me administrata, ut deorum immortalium nutu atque consilio et gesta et provisa esse videantur; idque cùm conjecturâ consequi possumus, quòd vix videtur humani consilii tantarum rerum gubernatio esse potuisse: tum verò ita praesentes his temporibus open et auxilium nobis tulerunt, ut eos penè oculis videre possemus. Nam ut illa omittam visas nocturno tempore ab occidente faces, ardoremque coeli, ut fulminum jactus, ut terrae motus, caeteraque, quae tam multa, nobis consulibus, facta sunt, ut haec, quae nunc fiunt, canere dii immortales viderentur: hoc certè, Quirites, quod sum dicturus, neque praetermittendum, neque relinquentum est. Nam profectò memoriâ tenetis, Cottâ et Torquato Coss. complures in capitolio turres de cœlo esse percussas, cùm et simulacra deorum immortalium depulsa sunt, et statuae

nay justly conclude, that Catiline's whole strength, power, and hopes are broken, and the dangers that threatened the city dispelled. For, when I was driving him out of the city, Romans, I clearly foresaw that, if he was once removed, there would be nothing to apprehend from the drowsiness of Lentulus, the fat of Cassius, or the rashness of Cethegus. He was the alone formidable person of the whole number, yet no longer so than while he remained within the walls of the city. He knew every thing; he had access in all places; he wanted neither abilities nor boldness to address, to tempt, to solicit. He had a head to contrive, a tongue to explain, and a hand to execute any undertaking. He had select and proper agents to be employed in every particular enterprise; and never took a thing to be done because he had ordered it, but always pursued, urged, attended, and saw it done himself; declining neither hunger, cold, nor thirst. Had not I driven this man, so keen, so resolute, so daring, so crafty, so alert in mischief, so active in desperate designs, from his secret plots within the city, into open rebellion in the fields, I could never so easily, to speak my real thoughts, Romans, have delivered the republic from its dangers. He would not have fixed upon the feast of Saturn, nor named the fatal day for our destruction so long beforehand, nor suffered his hand and seal to be brought against him, as manifest proofs of his guilt. Yet all this has been so managed in his absence, that no theft in any private house was ever more clearly detected than this whole conspiracy. But if Catiline had remained in the city till this day; though to the utmost I would have obstructed and opposed all his designs; yet, to say the least, we must have come at last to open force; nor would we have found it possible, while that traitor was in the city, to have delivered the commonwealth from such threatening dangers, with so much ease, quiet, and tranquillity.

SECT. VIII. Yet all these transactions, Romans, have been so managed by me, as if the whole was the pure effect of a divine influence and foresight. This we may conjecture, not only from the events themselves being above the reach of human counsel, but because the gods have so remarkably interposed in them as to shew themselves almost visibly. For, not to mention the nightly streams of light from the western sky, the blazing of the heavens, the thunders, the earthquakes, with the many other prodigies which have happened in my consulship, that seem like the voice of the gods, predicting these events; surely, Romans, what I am now about to say, ought neither to be omitted, nor pass without notice. For, doubtless, you must remember, that under the consulship of Cotta and Torquatus, several turrets of the Capitol were struck down with lightning: that the images of the

veterum hominum dejectae, et legum aera liquefacta. Tactus est etiam ille qui hanc urbem condidit, Romulus; quem inauratum in Capitolio parvum atque lactentem, uberibus lupinis inhiantem fuisse meministis. Quo quidem tempore, cùm (15) haruspices ex tota Etruria convenissent, caedes atque incendia, et legum interitum, et bellum civile ac domesticum, et totius urbis atque imperii occasum appropinquare dixerunt, nisi dii immortales omniratione placati suo numine propè fata ipsa flexissent. Itaque ex illorum responsis tunc et ludi decem per dies facti sunt, neque res ulla quae ad placandum deos pertinéret, praetermissa est; iidemqüe jussérunt simulacrum Jovis facere majus, et in excelsō collocare, et contrà atque antè fuerat, ad orientem convertere: ac se sperare dixerunt, si illud signum quod videtis, solis ortum et forum curiamque conspiceret, fore, ut ea consilia quae clām essent inita contra salutem urbis atque imperii, illustrarentur, ut à S. P. Q. R. perspici possent. Atque illud ita collocandum consules illi statuerunt: sed tanta fuit operis tarditas, ut neque à superioribus consulibus, neque à nobis ante hodiernum diem collocaretur.

IX. Hic quis potest esse, Quirites, tam aversus à vero, tam praeceps, tam mente captus, qui neget haec omnia quae videamus, praecipueque hanc urbem, deorum immortalium nutu atque potestate administrari? Etenim cùm esset ita responsum, caedes, incendia, interitumque reipublicae comparari, et ea à perditis civibus; quae tum propter magnitudinem scelerum non nullis incredibilia videbantur, ea non modò cogitata à nefariis civibus, verū etiam suscepta esse sensistis. Illud verò nonne ita praesens est, ut nutu Jovis Optimi Maximi factum esse videatur, ut cùm hodierno dñe manè per forum meo jussu et conjurati, et eorum indices in aedem Concordiae ducerentur, eo ipso tempore signum statueretur? quo collocato, atque ad vos senatumque converso, omnia et senatus, et vos, quae erant contra salutem omnium cogitata, illustrata, et patefacta vidistis. Quo etiam majore sunt isti odio supplicioque digni, qui non solum vestris domiciliis atque tectis, sed etiam deorum templis atque delubris sunt funestos ac nefarios ignes inferre conati: quibus ego si me restitisse dicam, nimium mihi sumam, et non sim ferendus: ille, ille Jupiter restitit: ille Capitolium, ille haec templa, ille hanc urbem, ille vos omnes salvos esse voluit. Diis ego immor-

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(15) *Haruspices ex tota Etruria.*] The art of soothsaying, and predicting future events, from inspecting the entrails of beasts, was held in particular honour among the Tuscans, and cultivated with great care; being first invented by Tages, who was of that nation. We read in the Roman history, that at first only

the natives of Tuscany exercised this office at Rome; but afterwards the senate made an order, that twelve of the sons of the principal nobility should be sent into that country, to be instructed in the rites and ceremonies of their religion, of which this secret was a chief part.

immortal gods were likewise overthrown, the statues of ancient heroes displaced, and the brazen tables of the laws melted down; that even Romulus, the founder of this city, escaped not unhurt; whose gilt statue, representing him as an infant suckling a wolf, you may remember to have seen in the Capitol. At that time the soothsayers, being called together from all Etruria, declared, that fire, slaughter, the overthrow of the laws, civil war, and the ruin of the city and empire were portended, unless the gods, appeased by all sorts of means, could be prevailed with to interpose, and bend in some measure the destinies themselves. In consequence of this answer, solemn games were celebrated for ten days; nor was any method of pacifying the gods omitted. The same soothsayers likewise ordered a large statue of Jupiter to be made, and placed on high, in a position contrary to that of the former image, with its face turned towards the east, intimating, that if his statue, which you now behold, looked towards the rising sun, the forum, and the senate-house; then all secret machinations against the city and the empire would be detected so evidently, as to be clearly seen by the senate and people of Rome. Accordingly the consuls of that year ordered the statue to be placed in the manner directed: but, from the slow progress of the work, neither they, nor their successors, nor I myself, could get it finished till that very day.

SECT. IX. Can any man, after this, be such an enemy to truth, so rash, so mad as to deny, that all things which we see, and above all, that this city, is governed by the power and providence of the gods? For when the soothsayers declared, that massacres, conflagrations, and the entire ruin of the state, were then devising; crimes, the enormity of whose guilt rendered the prediction to some incredible: yet are you now sensible, that all this has been, by wicked citizens, not only devised, but even attempted. Can it then be imputed to any thing but the immediate interposition of the great Jupiter, that this morning, while the conspirators and witnesses were by my order carried through the forum to the temple of Concord, in that very moment the statue was fixed in its place? and being fixed, and turned to look upon you and the senate, both you and the senate saw all the treasonable designs against the public safety, clearly detected and exposed. The conspirators, therefore, justly merit the greater punishment and detestation, for endeavouring to involve in impious flames, not only your houses and habitations, but the dwellings and temples of the gods themselves; nor can I, without intolerable vanity and presumption, lay claim to the merit of having defeated their attempts. It was he, it was Jupiter himself who opposed them: to him the Capitol, to him the temples, to him the city, to him are you all indebted for your preservation.

talibus ducibus hanc mentem, Quirites, voluntatemque suscepi, atque ad haec tanta indicia perveni. Jam verò illa Allobrogum solicitatio, sic à Lentulo caeterisque domesticis hostibus, (16) tanta res, tam dementer credita et ignotis et barbaris, commissae que literae nunquam essent profectò, nisi à diis immortalibus huic tantae audaciae consilium esset ereptum. Quid verò? ut homines Galli ex civitate male pacatâ, quae gens una restat, quae populo Rom. bellum facere et posse, et non nolle videatur, spem imperii, et rerum amplissimarum ultrò sibi à patriciis hominibus oblatam negligerent, vestramque salutem suis opibus anteponerent: id nonne divinitùs factum esse putatis? praesertim qui nos non pugnando, sed tacendo, superare potuerunt.

X. Quamobrem, Quirites, quoniam ad omnia pulvinaria supplicatio decreta est, celebratote illos dies cum conjugibus ac liberis vestris. Nam multi saepe honores diis immortalibus justi habiti sunt ac debiti, sed profectò justiores nunquam. Erepti enim estis ex crudelissimo ac miserrimo interitu, et erepti sine caede, sine sanguine, sine exercitu, sine dimicatione: togati me uno togato duce et imperatore vicistis. Etenim recordamini, Quirites, omnes civiles dissensiones, neque solùm eas quas audistis, sed et has, quas vosmet-ipsi meministis et vidistis. L. Sylla P. (17) Sulpicium oppressit; ex urbe ejecit C. Marius, custodem hujus urbis; multosque fortes viros partim ejecit ex civitate, partim interemit: Cn. Octavius Cos. armis ex urbe collegam suum expulit: omnis hic locus acervis corporum et civium sanguine redundavit. Superavit postea Cinna cum Mario: tum verò, clarissimis viris interfectis, (18) lu-

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(16) *Tanta res, tam dementer.*] There could not be a greater instance of infatuation, than to impart the design of so dangerous a conspiracy and war, to strangers and barbarians; for so our orator calls the Allobrogians; it being usual with the Romans, to give the name of barbarians to all foreign nations, the Greeks only excepted.

(17) *Sulpicium oppressit—Marium ejicit—Octavius collegam suum expulit.*] Sylla, by a decree of the senate, having obtained the command in the war against Mithridates, Marius, who envied him that honour, contrived, by means of Sulpicius, a tribune of the people, to get this order of the senate reversed, and the command conferred upon himself. In the mean time Sylla, who was upon his march to the Mithridatic war, hearing of what passed in the forum, returned with his legions to Rome: and having entered it after some resistance, drove Marius and

his accomplices to the necessity of saving themselves by a precipitate flight. This was the beginning of the first civil war, properly so called, which Rome had ever seen, and what gave both the occasion and the example to all the rest that followed. The tribune Sulpicius was slain, and Marius so warmly pursued, that he was forced to plunge himself into the marshes of Minturnum, up to the chin in water, in which condition he lay concealed for some time, till being discovered and dragged out, he was preserved by the compassion of the inhabitants, who, after refreshing him from the cold and hunger which he had suffered in his flight, furnished him with a vessel and all necessities, to transport himself into Africa. Cicero calls him here the guardian of the city, a title which was bestowed upon him after the conclusion of the war with the Teutones and Cimbri. He was, like manner with Cicero, a native

It was from the immortal gods, Romans, that I derived my resolution and foresight; and, by their providence, that I was enabled to make such important discoveries. The attempt to engage the Allobrogians in the conspiracy, and the infatuation of Lentulus and his associates, in trusting affairs and letters of such moment to men barbarous and unknown to them, can never surely be accounted for, but by supposing the gods to have confounded their understandings. And that the ambassadors of the Gauls, a nation so disaffected, and the only one at present that seems both able and willing to make war upon the Roman people, should slight the hopes of empire and dominion, and the advantageous offers of men of patrician rank, and prefer your safety to their own interest, must needs be the effect of a divine interposition; especially when they might have gained their ends, not by fighting, but by holding their tongues.

SECT. X. Wherefore, Romans, since a thanksgiving has been decreed at all the shrines of the gods, celebrate the same religiously with your wives and children. Many are the proofs of gratitude you have justly paid to the gods on former occasions, but never surely were they more apparently due than at present. You have been snatched from a most cruel and deplorable fate; and that too without slaughter, without blood, without an army, without fighting. In the habit of citizens, and under me, your only leader and conductor, in the robe of peace, you have obtained the victory. For, do but call to mind, Romans, all the civil dissensions in which we have been involved; not those only you may have heard of, but those too within your own memory and knowledge. L. Sylla destroyed P. Sulpicius; drove Marius, the guardian of this empire, from Rome; and partly banished, partly slaughtered, a great number of the most deserving citizens. Cn. Octavius, when consul, expelled his colleague by force of arms from the city. The forum was filled with carcases, and flowed with the blood of the citizens. Cinna afterwards, in conjunction with Marius, prevailed: and then it was that the very

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Arpinum, and is frequently commended by our orator in his speeches. Cn. Octavius was colleague in the consulship with Cornelius Cinna; which last attempting to reverse all that Sylla had established, was driven out of the city by his colleague, with six of the tribunes, and deposed from the consulship. Upon this he gathered an army, and recalled Marius, who having joined his forces with him, entered Rome in a hostile manner, and, with the most horrible cruelty, put all Sylla's friends to the sword, without regard to

age, dignity, or former services. But Sylla, soon after returning from the Mithridatic war, changed the face of affairs, re-established himself in his former authority, and triumphed over all his enemies.

(18) *Lumina civitatis extincta sunt.*] —Upon occasion of the Marian proscription, there fell, among many others of less note, the consul Cn. Octavius; the two brothers, L. Caesar and C. Caesar; P. Crassus, and the orator M. Antonius; whose head, as Cicero says, was fixed upon that rostra where he had so stren-

mina civitatis extincta sunt. Ultus est hujus victoriae crudelitatem postea Sylla: ne dici quidem opus est, (19) quantâ diminutione civium, et quantâ calamitate reipub. (20) Dissensit M. Lepidus à clarissimo et fortissimo viro Q. Catulo; attulit (21) non tam ipsius interitus reipub. luctum, quam caeterorum. Atque illae dissensiones erant hujusmodi, Quirites, quae non ad delendam, sed ad commutandam rempub. pertinerent; non illi nullam esse rempub. sed in ea quae esset, se esse principes; neque hanc urbem conflagrare, sed se in hac urbe florere, voluerunt. Atque illae tamen omnes dissensiones, quarum nulla exitium reipub. quaesivit, ejusmodi fuerunt, ut non reconciliatione concordiae, sed internecione civium dijudicatae sint. In hoc autem uno post hominum memoriam maximo crudelissimoque bello (quale bellum nulla unquam barbaria cum sua gente gessit; quo in bello lex haec fuit à Lentulo, Catilina, Cassio, Cethego constituta, ut omnes, qui salvâ urbe salvi esse possent, in hostium numero ducentur); ita me gessi, Quirites, ut omnes salvi conservaremini: et cùm hostes vestri tantum civium superfuturum putâssent, quantum infinitae caedi restitisset: tantum autem urbis, quantum flamma obire non potuisset: et urbem, et cives integros incolumesque servavi.

XI. Quibus pro tantis rebus, Quirites, nullum ego à vobis praemium virtutis, nullum insigne honoris, nullum monumentum lau-

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nuously defended the republic when consul, and preserved the heads of so many citizens; lamenting, as it were ominously, the misery of that fate which happened afterwards to himself, from the grandson of this very Antonius. Q. Catulus also, though he had been Marius's colleague in the consulship, and his victory over the Cimbri, was treated with the same cruelty: for, when his friends were interceding for his life, Marius made them no other answer, but, He must die, he must die; so that he was obliged to kill himself.

(19) *Quanta diminutione civium.*] Sylla having subdued all who were in arms against him, indulged himself in a full revenge on his enemies; in which, by the detestable method of proscription, of which he was the first author and inventor, he exercised a more infamous cruelty than had ever been practised in cold blood, in that, or perhaps in any other city. The proscription was not confined to Rome, but carried through all the towns of Italy, where, besides the crime of party, which was pardoned to none, it was fatal to be possessed of money, lands, or a peasant seat; all manner of licence

being indulged to an insolent army, of carving to themselves what fortunes they pleased.—There perished upon this occasion 90 senators, 15 of whom were consulars; and two thousand six hundred Roman knights. We are told, that, during the heat and fury of the proscription, Furfidius admonished him not to make a total havoc of the Roman people, but to suffer some to remain alive, over whom he might rule.

(20) *Dissensit M. Lepidus à Q. Catulo.*] After the death of Sylla, the old dissensions, that had been smothered a while by the terror of his power, burst out again into a flame between the two factions, supported severally by the two consuls Q. Catulus and M. Lepidus, who were wholly opposite to each other in party and politics. Lepidus resolved all adventures to rescind the acts of Sylla, and to recal the exiled Marians. Catulus's father, the ablest statesman of his time, and the chief assertor of the aristocratical interest, had been condemned to die by Marius; the son therefore, who inherited his virtues as well as principles, and was confirmed in them by a resentment of that injury, vigorously oppose

lights of our country were extinguished by the slaughter of her most illustrious men. Sylla avenged this cruel victory; with what massacre of the citizens, with what calamity to the state, it is needless to relate. M. Lepidus had a difference with Q. Catulus, a man of the most distinguished reputation and merit. The ruin brought upon the former was not so afflicting to the republic, as that of the rest who perished upon the same occasion. Yet all these dissensions, Romans, were of such a nature as tended only to a change in the government, not a total destruction of the state. It was not the aim of the persons concerned to extinguish the commonwealth, but to be leading men in it; they desired not to see Rome in flames, but to rule in Rome. And yet all these civil differences, none of which tended to the overthrow of the state, were so obstinately kept up, that they never ended in a reconciliation of the parties, but in a massacre of the citizens. But in this war, a war the fiercest and most implacable ever known, and not to be paralleled in the history of the most barbarous nations; a war in which Lentulus, Catiline, Cassius, and Cethegus, laid it down as a principle to consider all as enemies who had any interest in the well-being of the state; I have conducted myself in such a manner, Romans, as to preserve you all. And though your enemies imagined that no more citizens would remain than what escaped endless massacre, nor any more of Rome be left standing than was snatched from a devouring conflagration, yet have I preserved both city and citizens from harm.

SECT. XI. For all these important services, Romans, I desire no other reward of my zeal, no other mark of honour, no other monument of praise, but the perpetual remembrance of this day.

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nd effectually disappointed all the designs of his colleague, who finding himself unable to gain his end without recurring to arms, retired to his government of Gaul, where he raised what forces he could, and returned at the head of a great army, possessing himself of Etruria without opposition, and marching in an hostile manner towards the city, to the demand of a second consulship. Catulus, in the mean time, upon the expiration of his office, was invested with proconsular authority, and charged with the defence of the government; and Pompey also, by a decree of the senate, was joined with him in the same commission: who, having united their forces before Lepidus could reach the city, came to an engagement with him near the Mulvian bridge, within a mile or two from the walls,

where they totally routed and dispersed his whole army. Lepidus himself escaped into Sardinia, where he soon after died of grief.

(21) *Non tam ipsius interitus.*] It is worth while to observe what caution and prudence the orator expresses in this passage. He does not wholly deny that the death of Lepidus was calamitous to the state; for this speech was addressed to the people, who considered Lepidus as one of the heads of the Marian party; which, in fact, they were always disposed to favour, regarding it as their own. He therefore allows the fall of this leader to be a misfortune; yet not so much for his own sake, as on account of the many eminent patriots who perished on the same occasion.

dis postulo, praeterquam hujus diei memoriam sempiternam. In animis ego vestris omnes triumphos meos, omnia ornamenta honoris, monumenta gloriae, laudis insignia, condi et collocari volo; nihil me mutum potest delectare, nihil tacitum, nihil denique hujusmodi, quod etiam minus digni assequi possint. Memoriam vestram, Quirites, nostrae res alentur, sermonibus crescent, literarum monumentis inveterascent et corroborabuntur: (22) eandemque diem intelligo, quam spero aeternam fore, et ad salutem urbis, et ad memoriam consulatus mei propagatam: unoque tempore in hac republica duos cives extitisse, quorum alter fines vestri imperii, non terrae sed coeli regionibus terminaret; alter ejusdem imperii domicilium sedemque servaret.

XII. Sed quoniam earum rerum quas ego gessi, non est eadem fortuna atque conditio, quae illorum qui externa bella gesserunt: quod mihi vivendum sit cum illis, quos vici ac subegi: isti hostes aut imperfectos, aut oppressos reliquerunt: vestrum est, Quirites, si caeteris recta sua facta prosunt, mihi mea ne quando obsint, providere: mentes enim hominum audacissimorum sceleratae ac nefariae ne vobis nocere possent, ego providi: ne mihi noceant, vestrum est providere. Quanquam, Quirites, mihi quidem ipsi nihil jam ab ipsis noceri potest; magnum enim est in bonis praesidium, quod mihi in perpetuum comparatum est; magna in republica dignitas, quae me semper tacita defendet; magna vis est conscientiae, quam qui negligent, cum me violare volent, se ipsi indicabunt. Est etiam in nobis is animus, Quirites, ut non modo nullius audaciae cedamus, sed etiam omnes improbos ultrò semper lacessamus. Quod si omnis impetus domesticorum hostium depulsus a vobis se in me unum converterit; vobis erit providendum, Quirites, qua conditione posthac eos esse velitis, qui se pro salute vestra obtulerint invidiae, periculisque omnibus. Mihi quidem ipsi quid est, quod jam ad vitae fructum possit acquiri, praesertim cum neque in honore vestro, neque in gloria virtutis quidquam videam altius, (23) quo quidem mihi libeat as-

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(22) *Eandemque diem intelligo.*] *Dies* here stands for *tempus*, which meaning of the word we frequently meet with in his treatise *De divinatione*. The whole sentence may be paraphrased thus: "Intelligo, eandem diem, id est, idem tempus propagatum esse, et ad salutem urbis, et ad memoriam consulatus mei: quod quidem tempus spero aeternum fore. Itaque quamdiu stabit urbs, tamdiu recordabuntur homines, uno tempore duos in hac republica extitisse ci-yes," &c. By the two citizens, of whom he here speaks, it is obvious to every one, that he means himself and

Pompey. For while he was employed at home, in crushing a dangerous conspiracy, in saving the city from a conflagration, and the citizens from slaughter: Pompey was no less busied abroad, in exterminating the pirates, who had so long infested the Mediterranean sea, and delivered the republic from the terrors of the Mithridatic war.

(23) *Quo quidem mihi libeat ascendere.* Cicero was at this time *consul*, which was the highest magistracy in the commonwealth, the dictatorship excepted. But this last office, which in early times had oft been of singular service to the repub-

It is in your breasts alone that I would have all my triumphs, all my titles of honour, all the monuments of my glory, all the trophies of my renown, recorded and preserved. Lifeless statues, silent testimonies of fame; in fine, whatever can be compassed by men of inferior merit, has no charms for me. In your remembrance, Romans, shall my actions be cherished, from your praises shall they derive growth and nourishment, and in your annals shall they ripen and be immortalized: nor will this day, I flatter myself, ever cease to be propagated, to the safety of the city, and the honour of my consulship: but it shall eternally remain upon record, that there were two citizens living at the same time in the republic, the one of whom was terminating the extent of the empire by the bounds of the horizon itself, the other preserving the seat and capital of that empire.

SECT. XII. But as the fortune and circumstances of my actions are different from those of your generals abroad, inasmuch as I must live with those whom I have conquered and subdued, whereas they leave their enemies either dead or enthralled; it is your part, Romans, to take care, that if the good actions of others are beneficial to them, mine prove not detrimental to me. I have baffled the wicked and bloody purposes formed against you by the most daring offenders; it belongs to you to baffle their attempts against me: though as to myself I have in reality no cause to fear any thing, since I shall be protected by the guard of all honest men, whose friendship I have for ever secured; by the dignity of the republic itself, which will never cease to be my silent defender; and by the power of conscience, which all those must needs violate who shall attempt to injure me. Such too is my spirit Romans, that I will never yield to the audaciousness of any, but even provoke and attack all the wicked and profligate: yet if all the rage of our domestic enemies, when repelled from the people, shall at last turn singly upon me, you will do well to consider, Romans, what effect this may afterwards have upon those who are bound to expose themselves to envy and danger for your safety. As to myself in particular, what have I farther to wish for in life, since both with regard to the honours you confer, and the reputation flowing from virtue, I have already reached the highest point of my ambi-

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lic, in cases of difficulty and distress, was now grown odious and suspected, in the present state of its wealth and power, as dangerous to the public liberty; and for that reason, except in the case of Sylla, whose dictatorship was the pure effect of force and terror, had been wholly disused and laid aside, for about one hundred and

forty years past. Cicero therefore justly says, that he had reached the highest post of honour in the state, seeing the dictatorship was now become so dangerous and suspicious a magistracy, that no good citizen thought it lawful to aspire after it.

cendere? Illud persiciam profectò, Quirites, ut ea quae gessi in consulatu, privatus tuear, atque ornem: ut, siqua est invidia in conservanda republica suscepta, laedat invidos, mihi valeat ad gloriam. Denique ita me in republica tractabo, ut meminerim semper quae gesserim, curemque ut èa virtute, non casu, gesta esse videantur. Vos, Quirites, quoniam jam nox est, veneramini illum Jovem, custodem hujus urbis ac vestrûm; atque in vestra tecta discedite; et ea, quanquam jam periculum est depulsum, tamen, aequè ac priori nocte, custodiis vigiliisque defendite. Id ne vobis diutiùs faciendum sit, atque ut in perpetua pace esse possitis, providebo.

on ! This, however, I expressly engage for, Romans, always to support and defend, in my private condition, what I have done in my consulship ; that if any envy be stirred up against me for preserving the state, it may hurt the envious, but advance my glory. In short, I shall so behave in the republic, as ever to be mindful of my past actions, and shew that what did was not the effect of chance, but of virtue. Do you, Romans, since it is now night, repair to your several dwellings, and pray to Jupiter, the guardian of this city, and of your lives ; and though the danger be now over, keep the same watch in our houses as before. I shall take care to put a speedy period to the necessity of these precautions, and to secure you for the future in uninterrupted peace.

ORATIO VII.

IV. IN L. CATILINAM *.

I. VIDEO, P. C. in me omnium vestrum ora atque oculos esse conversos; video vos non solum de vestro ac reipublicae, verum etiam, si id depulsum sit, de meo periculo esse solicitos. Est mihi jucunda in malis, et grata in dolore, vestra erga me voluntas: sed eam, per deos immortales, quaeso, deponite: atque oblii salutis meae, de vobis ac de liberis vestris cogitate. Mih quidem si haec conditio consulatus data est, ut omnes acerbitates omnes dolores cruciatusque perferrem: feram non solum fortiter, sed etiam libenter, dummodo meis laboribus vobis populoque

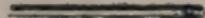
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* Though the design of the conspiracy was in a great measure defeated by the commitment of the most considerable of those concerned in it, yet as they had many secret favourers and well-wishers within the city, the people were alarmed with the rumour of fresh plots, formed by the slaves and dependents of Lentulus and Cethegus, for the rescue of their masters, which obliged Cicero to reinforce his guards; and for the prevention of all such attempts, to put an end to the whole affair, by bringing the question of their punishment without farther delay before the senate, which he accordingly summoned for that purpose. The debate was of great delicacy and importance; to decide upon the lives of citizens of the first rank. Capital punishments were rare, and ever odious in Rome, whose laws were of all others the least sanguinary; banishment, with confiscation of goods, being the ordinary punishment for the greatest crimes. The senate indeed, as it has been said above, in cases of sudden and dangerous tumults, claimed the prerogative of punishing the leaders with death, by the authority of their own decrees. But this was looked upon as a stretch of power, and an infringe-

ment of the rights of the people, which nothing could excuse but the necessity of times, and the extremity of danger. For there was an old law of Porcius Laeca a tribune, which granted all criminals capitally condemned, an appeal to the people; and a later one of C. Gracchus, to prohibit the taking away the life of any citizen, without a formal hearing before the people; so that some senators, who had concurred in all the previous debates withdrew themselves from this, to shew their dislike of what they expected to be the issue of it, and to have no hand in putting Roman citizens to death by a vote of the senate. Here then was ground enough for Cicero's enemies to act upon, if extreme methods were pursued: he himself was aware of it, and saw that the public interest called for the severest punishment, his private interest the gentlest; yet he came resolved to sacrifice all regards for his own quiet, to the consideration of the public safety. As soon therefore, as he had moved the question what was to be done with the conspirators? Silanus, the consul-elect, being called upon to speak the first, advised that those who were then in custody with the rest who should afterwards b-

ORATION VII.

IV. AGAINST CATILINE.



SECT. I. I PERCEIVE, conscript fathers, that every look, that every eye is fixed upon me. I see you solicitous not only for your own and your country's danger, but, was that repelled, for mine also. This proof of your affection is grateful to me in sorrow, and pleasing in distress; but, by the immortal gods I conjure you! lay it all aside; and, without any regard to my safety, think only of yourselves and of your families. For should the condition of my consulship be such as to subject me to all manner of pains, hardships, and sufferings; I will bear them not only resolutely, but cheerfully, if by my labours I can secure

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taken, should all be put to death. To this all who spoke after him readily assented, till it came to Julius Caesar, then praetor-elect, who, in an elegant and elaborate speech, treated that opinion, not as cruel, since death, he said, was not a punishment, but relief to the miserable, and left no sense either of good or ill beyond it; but as new and illegal, and contrary to the constitution of the republic: and though the heinousness of the crime would justify any severity, yet the example was dangerous in a free state; and the salutary use of arbitrary power in good hands, had been the cause of fatal mischiefs when it fell into bad; of which he produced several instances, both in other cities and their own; and although no danger could be apprehended from these times, or such a consul as Cicero, yet, in other times, and under another consul, when the sword was once drawn by a decree of the senate, no man could promise what mischief it might not do before it was sheathed again: his opinion therefore was, that the estates of the conspirators should be confiscated, and their persons closely confined in the strong

towns of Italy; and that it should be criminal for any one to move the senate or the people for any favour towards them. These two contrary opinions being proposed, the next question was, which of them should take place? Caesar's had made a great impression on the assembly, and staggered even Silanus, who began to excuse and mitigate the severity of his vote; and Cicero's friends were going forwardly into it, as likely to create the least trouble to Cicero himself, for whose future peace and safety they began to be solicitous; when Cicero, observing the inclination of the house, and rising up to put the question, made this his fourth speech on the subject of the conspiracy; in which he delivers his sentiments with all the skill both of the orator and statesman; and while he seems to shew a perfect neutrality, and to give equal commendation to both the opinions, artfully labours all the while to turn the scale in favour of Silanus's, which he considered as a necessary example of severity in the present circumstances of the republic.

Romano dignitas salusque pariatur. Ego sum ille consul, P. C. cui non forum, in quo omnis aequitas continetur; non campus, consularibus auspiciis consecratus; non curia, summum auxilium omnium gentium; non domus, commune perfugium; non lectus, ad quietem datus; non denique haec sedes honoris, sella curulis, unquam vacua mortis periculo, atque insidiis fuit. Ego multa tacui, multa pertuli, multa concessi, multa meo quodam dolore in vestro timore sanavi. Nunc, si hunc exitum consulatus mei dii immortales esse voluerunt, ut vos, P. C. populumque Romanum ex caede misera, conjuges liberosque vestros, virginesque vestales ex acerbissima vexatione; templa atque delubra, hanc pulcherrimam patriam omnium nostrum ex foedissima flamma; totam Italiam ex bello, et vastitate eriperem; quaecunque mihi uni proponetur fortuna, subeatur. Etenim si P. Lentulus suum nomen, inductus à vatibus, fatale ad perniciem reipublicae fore putavit; cur ego non laeter, meum consulatum ad salutem reipublicae propè fatigalem extitisse?

II. Quare, P. C. consulite vobis, prospicte patriae; conserve vos, conjuges, liberos, fortunasque vestras; populi Romani nomen salutemque defendite; (1) mihi parcere, ac de me cogitare desinite. Nam primum debo sperare, omnes deos, qui huic turbi praesident, pro eo mihi ac mereor, relatuos gratiam esse; deinde si quid obtigerit, aequo animo paratoque moriar; neque enim turpis mors forti viro potest accidere, neque immatura consulari, nec misera sapienti. Nec tamen ego sum ille ferreus, qui fratris carissimi atque amantissimi praesentis moerore non moverar, horumque omnium lacrymis, à quibus me circumcessum videtis: neque meam mentem non domum saepe revocat exanimata uxor, abjecta metu filia, et parvulus filius, (2) quem mihi videtur amplecti respublica tanquam obsidem consulatus mei; neque ille, qui exspectans hujus exitum diei adstat in conspectu

NOTES.

(1) *Mihi parcere, ac de me cogitare desinite.*] The Romans very seldom condemned any free citizen to death. They were often allowed to go into banishment, which was reckoned a sort of death, as it deprived them of all their privileges. The consuls or dictators, and sometimes private men, slew the ring-leaders of a tumult; but it was rather winked at as a thing necessary in some exigencies, than approved as lawful. Every free citizen had the liberty of an appeal from the senate to the people. Cicero very well knew, that all the odium of putting the conspirators to death, would certainly fall upon him, as he was consul, and the most active person in quelling the conspiracy. For this reason

son he avoids declaring himself openly for Silanus's opinion; but at the same time desires them to deliver their opinions freely, without having any regard to what might befall him afterwards. For every act of the senate, or people, was always ascribed to the person who summoned the assembly; as he alone presided, and put the question: so that the odium of putting the conspirators to death, though voted by the senate, would as certainly fall upon Cicero; as if he had done it without their advice. This really was the case, and he was afterwards banished for passing this decree.

(2) *Quem mihi videtur amplecti respublica, &c.*] Cicero's son was about this time a young lad, as appears from the first

our dignity and safety, with that of the people of Rome. Such, onscript fathers, has been the fortune of my consulship, that either the forum, that centre of all equity; nor the field of Mars, onsecreated by consular auspices; nor the senate-house, the rincipal refuge of all nations; nor domestic walls, the coimmon sylum of all men; nor the bed, destined to repose; nay, nor even this honourable seat, this chair of state, have been free from perils, and the snares of death. Many things have I disemblled, many have I suffered, many have I yielded to, and many struggled with in silence, for your quiet. But if the immortal gods would grant that issue to my consulship, of saving ou, conscript fathers, and the people of Rome, from a massacre; our wives, your children, and the vestal virgins, from the bitterest persecution; the temples and altars of the gods, with this our fair country, from sacrilegious flames, and all Italy from war and desolation; let what fate soever attend me, I will be content with it. For if P. Lentulus, upon the report of soothsayers, hought his name portended the ruin of the state, why should not I rejoice that my consulship has been as it were reserved by ate for its preservation?

SECT. II. Wherefore, conscript fathers, think of your own safety; turn your whole care upon the state; secure yourselves, our wives, your children, your fortunes; guard the lives and dignity of the people of Rome; and cease your concern and anxiety for me. For, first, I have reason to hope that all the gods, the protectors of this city, will reward me according to my deserts. Then, should any thing extraordinary happen, I am prepared to die with an even and constant mind. For death can never be dishonourable to the brave, nor premature to one who has reached the dignity of consul, nor afflicting to the wise. Not that I am so hardened against all the impressions of humanity, as to remain indifferent to the grief of a dear and affectionate brother here present, and the tears of all those by whom you see me surrounded. Nor can I forbear to own, that an afflicted wife, a daughter dispirited with fear, an infant son, whom my country seems to embrace as the pledge of my consulship, and a son-in-law, whom I behold waiting with anxiety the issue of

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epistle of the first book of Cicero's letters to Atticus. He calls him here the pledge of his consulship, probably for this reason, because such as had no children were supposed to be less anxious for the public safety, than those who had. For where there were children, there was evidently a double tie upon the fa-ther to watch over the preservation of the state; unless we suppose him divested of all sense of humanity, and without that principle of affection towards his

offspring, which nature has been so careful to plant, not only in man, but even in brutes. Hence among the ancient Marseillians, no man was advanced to the honour and dignities of the state, but such as were married, and had children. Cicero's little son, therefore, who was so very dear to his father, was a kind of pledge in the hands of the commonwealth, and gave the strongest assurance that the father would undertake nothing but with an eye to the public advantage.

meo gener. Moveor his rebus omnibus, sed in eam partem, ut salvi sint vobiscum omnes, etiam si vis aliqua me oppresserit, potius quam ut, et illi, et nos unâ reipub. peste pereamus. Quare, P. C. incumbite ad reipub. salutem: circumspicite omnes procellas, quae impendent, nisi providetis; non Tib. Gracchus, qui iterum tribunus plebis fieri voluit: non C. Gracchus, qui agrarios concitare conatus est: non L. Saturninus, qui C. Memmius occidit, in discrimen aliquod, atque in vestrae severitatis judicium adducitur. Tenentur ii, qui ad urbis incendium, ad vestrum omnium caedem, ad Catilinam accipiendum, Romae restiterunt: tenentur literae, signa, manus, denique uniuscujusque confessio: solicitantur Allobroges; servitia excitantur: Catilina arcessitur: id est, initum consilium, ut, imperfectis omnibus, nemo ne ad deplorandum quidem reip. nomen, atque ad lamentandam tanti imperii calamitatem relinquatur.

III. Haec omnia indices detulerunt, rei confessi sunt, vos multis jam judiciis judicavistis: primùm, quòd mihi gratias egistis singularibus verbis, et meâ virtute atque diligentia perditorum hominum patefactam esse conjurationem decrevistis: deinde, quòd P. Lentulum, ut se abdicaret praeturâ, coëgisti: tum quòd eum, et caeteros de quibus judicavistis, in custodiam dandos censuistis: maximèque, quòd meo nomine supplicationem decrevisisti, qui honos togato habitus ante me est nemini: postremò, hesterno die praemia legatis Allobrogum, Titoque Vulturcio dedisti amplissima; quae sunt omnia ejusmodi, ut ii, qui in custodiam nominatim dati sunt, sine ulla dubitatione à vobis damnati esse videantur. Sed ego institui referre ad vos, P. C. tanquam integrum, et de facto, quid judicetis; et de poena, quid censeatis; illa praedicam, quae sunt consulis. Ego magnum in republica versari furorem, nova quaedam misceri et concitari mala jampriedem videbam; sed hanc tantam, tam exitiosam haberi conjurationem à civibus nunquam putavi. Nunc quidquid est, quoenque vestrae mentes inclinant atque sententiae, (3) statuendum vobis ante noctem est. Quantum facinus ad vos delatum sit, videotis: huic si paucos putatis affines esse, vehementer erratis. Latius opinione disseminatum est hoc malum: manavit non solùm per Italiam, verum etiam transcendit Alpes, et obscurè serpens

NOTES.

(3) *Statuendum vobis ante noctem*
est.] There were two reasons that made it necessary for the senate to come to some resolution before night. First, because it was to be feared that the friends and favourers of the conspirators would raise some tumult during the

night, and attempt a rescue. Secondly because there was a necessity for dismissing the senate before night. For we learn from Varro in Aulus Gellius, that no decree of the senate was looked upon as valid if it passed after sun-set, or before sun-rise.

his day, often recal my thoughts homewards. All these objects affect me, yet in such a manner that I am chiefly concerned for their preservation and yours, and scruple not to expose myself to my hazard, rather than that they and all of us should be involved in one general ruin. Wherefore, conscript fathers, apply yourselves wholly to the safety of the state, guard against the storms that threaten us on every side, and which it will require your utmost circumspection to avert. It is not a Tiberius Gracchus, calling for a second tribuneship; nor a Caius Gracchus, stirring up the people in favour of his Agrarian law; nor a Lucius Sulla, the murderer of Caius Memmius, who is now in judgment before you, and exposed to the severity of the law; but traitors, who remained at Rome to fire the city, to massacre the senate, and to receive Catiline. Their letters, their seals, their bands; in short, their several confessions are in your custody, and clearly convict them of soliciting the Allobrogians, spiriting up the slaves, and sending for Catiline. The scheme proposed was to put all, without exception, to the sword, that not a soul might remain to lament the fate of the commonwealth, and the overthrow of so mighty an empire.

SECT. III. All this has been proved by witnesses, the criminals themselves have confessed, and you have already condemned them by several previous acts. First, by returning thanks to me in the most honourable terms, and declaring that, by my virtue and vigilance, a conspiracy of desperate men has been laid open. Next, by deposing Lentulus from the praetorship, and committing him, with the rest of the conspirators, to custody. But chiefly, by decreeing a thanksgiving in my name, an honour which was never before conferred upon any man in the gown. Lastly, you yesterday voted ample rewards to the deputies of the Allobrogians, and Titus Vulturcius: all of which proceedings are of such a nature as plainly to make it appear that you already, without scruple, condemn those whom you have by name ordered into custody. But I have resolved, conscript fathers, to propose to you anew the question both of the fact and punishment, having first premised what I think proper to say as consul. I have long observed a spirit of disorder working in the state, new projects devising, and pernicious schemes set on foot; but never could I imagine that a conspiracy so dreadful and destructive, had entered into the minds of citizens. Now, whatever you do, or whichever way your thoughts and voices shall incline, you must come to a resolution before night. You see the heinous nature of the crime laid before you; and if you think that but few are concerned in it, you are greatly mistaken. The mischief is spread wider than most people imagine, and has not only infected Italy, but crossed the Alps, and imperceptibly creeping along, seized

multas jam provincias occupavit. Id opprimenti sustentando ac prolatando nullo pacto potest; quacunque ratione placet, celeriter vobis vindicandum est.

IV. Video duas adhuc esse sententias: unam D. Silani, qui censem eos, qui haec delere conati sunt, morte esse multandos: (4) alteram C. Caesaris, qui mortis poenam removet, caeterorum suppliciorum omnes acerbitates amplectitur. Uterque et pro sua dignitate, et pro rerum magnitudine in summa severitate versatur. Alter eos, qui nos omnes, qui populum Romanum vitâ priuare conati sunt, qui delere imperium, qui populi Romani nomen extinguere, punctum temporis frui vitâ, et hoc communis spiritu non putat oportere: atque hoc genus poenae saepe in improbos cives in hac republ. esse usurpatum recordatur. Alter intelligit, mortem à diis immortalibus non esse supplicii causâ constitutam, sed aut necessitatem naturae, aut laborum ac miseria rum quietem esse: itaque eam sapientes nunquam inviti, fortis etiam saepe libenter oppetiverunt; vincula verò, et ea sempiterna, certè ad singularem poenam nefarii sceleris inventa sunt itaque municipiis dispertiri jubet. Habere videtur ista res iniquitatem, si imperare velis: difficultatem, si rogare; decernatur tamen, si placet. Ego enim suscipiam, et, ut spero, reperiam, qui id, quod salutis omnium causâ statueritis, non putet esse suarum dignitatis recusare. Adjungit gravem poenam municipibus, si quis eorum vincula ruperit: horribiles custodias circumdat, et digna scelere hominum perditorum sancit: ne quis eorum poenam, quos condemnat, aut per senatum, aut per populum levar possit: eripit etiam spem, quae sola hominem in miseriis consolari solet; bona praeterea publicari jubet: vitam solam relinqu: nefariis hominibus: quam si eripisset, multas uno dolore animi ac corporis, et omnes scelerum poenas ademisset. Itaque ualiqua in vita formido improbis esset posita, apud inferos ejusmodi quaedam illi antiqui suppicia impiis constituta esse voluerunt; quod videlicet intelligebant, his remotis, non esse mortem ipsam pertimescendam.

V. Nunc, P. C. ego mea video quid intersit; si eritis secuti sententiam C. Caesaris, quoniam hanc is in republica viam, quam popularis habetur, secutus est, fortasse minus erunt, hoc auctore et cognitore hujusce sententiae, mihi populares impetus perti-

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(4) *Alteram C. Caesaris.*] His opinion was, as we have already seen, perpetual imprisonment in the free towns of Italy. The speech he made upon this occasion, or at least the substance of it, is extant in Sallust. This, with his former behaviour, made him be looked upon as a well-wisher to the conspiracy; so that the

nate-house, threatened to kill him as he came out of the house; and some say they would have done it, if Cicero had not protected him, and carried him home with him. Caesar was so affrightened at this, that he never came abroad again till he entered upon his office of praetor the ensuing year.

many provinces. You can never hope to suppress it by delay and irresolution. Whatever course you take, you must proceed with vigour and expedition.

SECT. IV. There are two opinions now before you; the first of D. Silanus, who thinks the projectors of so destructive a conspiracy worthy of death; the second, of C. Caesar, who, excepting death, is for every other the most rigorous method of punishing. Each, agreeably to his dignity, and the importance of the cause, is for treating them with the last severity. The one thinks, that those who have attempted to deprive us and the Roman people of life, to abolish this empire, and extinguish the very name of Rome, ought not to enjoy a moment's life, or breathe this vital air: and hath shewed withal, that this punishment has often been inflicted by this state on seditious citizens. The other maintains, that death was not designed by the immortal gods as a punishment, but either as a necessary law of our nature, or a cessation of our toils and miseries; so that the wise never suffer it unwillingly, the brave often seek it voluntarily: that bonds and imprisonment, especially if perpetual, are contrived for the punishment of detestable crimes: that therefore the criminals should be distributed among the municipal towns. In this proposal there seems to be some injustice, if you impose it upon the towns; or some difficulty, if you only desire it. Yet I decree so, if you think fit; I will endeavour, and I hope I shall be able to find those who will not think it unsuitable to their dignity, to comply with whatever you shall judge necessary for the common safety. He adds a heavy penalty on the municipal towns, if any of the criminals should escape: he invests them with formidable guards; and, as the enormity of their guilt deserves, forbids, under severe penalties, all application to the senate or people for a mitigation of their punishment. He even deprives them of hope, the only comfort of unhappy mortals. He orders their estates also to be confiscated, and leaves them nothing but life; which, if he had taken away, he would by one momentary pang have eased them of much anguish both of mind and body, and all the sufferings due to their crimes. For it was on this account that the ancients invented those infernal punishments of the dead, to keep the wicked under some awe in this life, who, without them, would have no dread of death itself.

SECT. V. Now, conscript fathers, I see how much my interest is concerned in the present debate. If you follow the opinion of C. Caesar, who has always pursued those measures in the state which savour most of popularity, I shall perhaps be less exposed to the arrows of public hatred, when he is known for the author and adviser of this vote. But if you fall in with the motion of

mescendi: sin illam alteram secuti eritis; nescio an amplius mihi negotii contrahatur; sed tamen meorum periculorum rationes utilitas reipublicae vincat. Habemus enim à C. Caesare, sicut ipsius dignitas, et majorum ejus amplitudo postulabat, sententiam, tanquam obsidem perpetuae in rempublicam voluntatis intellectum est quid intersit inter lenitatem (5) concionatorum, et animum verè popularem, saluti populi consulentem. (6) Video de istis, qui se populares haberi volunt, abesse non neminem, ne de capite videlicet civium Romanorum sententiam ferat; is et mudiustertius in custodiam cives Romanos dedit, et supplicacionem mihi decrevit, et indices hesterno die maximis praemiis affecit. Jam hoc nemini dubium est, qui reo custodiam, quaesitori gratificationem, indici praemium decrevit, quid de tota re et causa judicarit. At verò C. Caesar intelligit, (7) legem Semproniam esse de civibus Romanis constitutam: qui autem reipub. sit hostis, eum civem esse nullo modo posse: denique ipsum latorum legis Semproniae, jussu populi poenas reip. dependisse; idem etiam ipsum Lentulum largitorem et prodigum non putat, cum de pernicie pop. Rom. exitio hujus urbis tam acerbè tamque crudeliter cogitarit, appellari posse popularem. Itaque homo mitissimus atque lenissimus non dubitat P. Lentulum aeternis te nebris vinculisque mandare; et sancit in posterum, ne quis hujus suppicio levando se jactare, et in pernicie pop. Rom. post hac popularis esse possit; adjunxit etiam publicationem bonorum, ut omnes animi cruciatus et corporis, etiam egestas ac mendicitas consequatur.

VI. Quamobrem sive hoc statueritis, dederitis mihi (8) comitem ad concionem populo Romano carum atque jucundum: sive

NOTES.

(5) *Concionatorum.*] This word, for the most part, implies some censure of the persons to whom it is applied; and so doubtless we are to understand it here. For he opposes these declaimers to the truly popular mind, that aims at nothing but the good of the public. We may therefore very well suppose, that he means this as a reproof to those turbulent speakers, and factious tribunes, who endeavoured, by seditious harangues, to spirit up the people against the nobility and senate.

(6) *Video—abesse non neminem.*] We have no light from history as to who the particular person here mentioned was. It appears only that he was some senator, who had hitherto attended the meetings of that body, and concurred in all their previous votes; but chose to absent himself this day, with a view of acquiring the character of popularity. Cicero

here justly derides the folly of such conduct, since, if there was any thing exceptionable in condemning the conspirators, he had already incurred that guilt by consenting to all the previous decrees made against them, which consider them as traitors to their country, an therefore worthy of the severest punishment.

(7) *Legem Semproniam.*] This law was proposed by C. Sempronius Gracchus and had its name from the person who proposed it, as most other laws had. decreed, that no Roman citizen should be condemned to death by any judge, even by the senate, but only by the assembly of the people; and frequent this sentence of death was allowed to be exchanged for banishment, which the Romans thought a sufficient punishment for any crime, how great soever.

D. Silanus, I know not what difficulties it may bring me under. However, let the service of the commonwealth supersede all considerations of my danger. Caesar, agreeably to his own dignity, and the merits of his illustrious ancestors, has by this proposal given us a perpetual pledge of his affection to the state, and shewed the difference between the affected lenity of busy declaimers, and a mind truly popular, which seeks nothing but the real good of the people. I observe, that one of those who affect the character of popularity, has absented himself from this day's debate, that he may not give a vote upon the life of a Roman citizen. Yet, but the other day, he concurred in sending the criminals to prison, voted me a thanksgiving, and yesterday decreed ample rewards to the informers. Now, no one can doubt what his sentiments are on the merits of the cause, who votes imprisonment to the accused, thanks to the discoverer of the conspiracy, and rewards to the informers. But C. Caesar urges the Sempronian law, forbidding to put Roman citizens to death. Yet here it ought to be remembered, that those who are adjudged enemies to the state, can no longer be considered as citizens; and that the author of that law himself suffered death by the order of the people. Neither does Caesar think that the profuse and prodigal Lentulus, who has concerted so many cruel and bloody schemes for the destruction of the Roman people, and the ruin of the city, can be called a popular man. Accordingly this mild and merciful senator makes no scruple of condemning P. Lentulus to perpetual bonds and imprisonment; and provides that no one shall henceforward have it in his power to boast of having procured a mitigation of this punishment, or made himself popular by a step so destructive to the quiet of his fellow-citizens. He likewise adds the confiscation of their goods, that want and beggary may attend every torment of mind and body.

SECT. VI. If therefore you decree according to this opinion, you will give me a partner and companion to the assembly, who is dear and agreeable to the Roman people. Or, if you prefer

NOTES.

(8) *Comitem ad concionem populo Romano carum atque jucundum.*] After the senate had decreed any thing extraordinary, it was usual for the person who proposed the decree, or him who had the chief hand in promoting it, to give an account of the affair to the people from the rostra, with a defence of the senate's conduct. This was something more than matter of mere compliment, since the people could reverse any de-

cree of the senate. Cicero therefore tells them, that if Caesar's opinion was followed, it would be of great service to him, in getting such a person as Caesar to appear with him in the assembly of the people: for Caesar, even at this time, was very popular; and was, by his largesses, laying a foundation for that height of power, to which he afterwards raised himself.

illam Silani sententiam sequi malueritis; facilè me, atque vos à crudelitatis vituperatione defendetis: atque obtinebo, eam multò leviorem fuisse. Quanquam, P. C. quae potest esse in tanti scleris immanitate punienda crudelitas? Ego enim de meo sensu judico. Nam ita mihi salvâ rep. vobiscum perfui liceat, ut ego, quòd in hac causa vehementior sum, non atrocitate animi moveor (quis enim est me mitior?) sed singulari quâdam humanitate et misericordiâ. Videor enim mihi hanc urbem videre, lucem orbis terrarum, atque arcem omnium gentium, subitò uno incendio concidentem: cerno animo sepulta in patria miseros, atque inse-pultos acervos civium: versatur mihi ante oculos aspectus Cethegi, et furor, in vestra caede bacchantis. Cùm verò mihi proposui regnante Lentulim, sicut ipse se ex fatis sperâsse confessus est; purpuratum esse hunc Gabinium; cum exercitu venisse Catilinam; tum lamentationem matrumfamilias, tum fugam virginum atque puerorum, ac vexationem virginum vestalium perhorresco; et quia mihi vehementer haec videntur misera atque miseranda, idcirò in eos, qui ea perficere voluerunt, me severum vehementemque praebeo. Etenim quaero, si quis paterfamilias, liberis suis à servo interfectis, uxore occisâ, incensâ domo, supplicium de servo non quâm acerbissimum sumpserit utrûm is clemens ac misericors, an inhumanus et crudelissimus esse videatur? mihi verò importunus ac ferreus, qui non dolore ac cruciatu nocentis, suum dolorem cruciatumque leniérit. Si nos in his hominibus, qui nos, qui conjuges, qui liberos nostro trucidare voluerunt; qui singulas uniuscujusque nostrûm domos et hoc universum reipublicae domicilium delere conati sunt; quid egerunt (9) ut gentem Allobrogum in vestigiis hujus urbis, atque in cinere deflagrati imperii collocarent: si vehementissim fuerimus, misericordes habebimur: sin remissiores esse voluerimus, summae nobis crudelitatis in patriae civiumque pernicie fama subeunda est.] (10) Nisi verò cuipiam L. Caesar, vir fortissimus et amantissimus reipub. crudelior nudiustertius visus est cùm sororis suae, foeminae lectissimae, virum praesentem et au-

NOTES.

(9) *Ut gentem Allobrogum in vestigiis hujus urbis.*] Catiline's party had made no such agreement with the Allobrogi-ans; they had only promised an abatement, or perhaps a total abolition of all their taxes, provided they would assist the conspirators with their horse, in which they were reckoned to excel all other nations. But Cicero, like a true orator, represents every thing in the worst light, to inspire the senators with the greatest indignation. Indeed it is hard to say what might have been the consequences of Catiline's obtaining a

victory by the assistance of the Gaulish horse, or how far the Allobrogiæ might have improved that opportunity to the ruin of both parties.

(10) *Nisi verò cuipiam L. Caesar.*] L. Cæsarius was uncle to C. Julius Cæsar the dictator, and grandson of Marc Fulvius Flaccus. His sister Julia, the widow of Marcus Antonius Creticus, was this time married to P. Lentulus the co-spirator. By her first husband she was the mother of that Mark Antony, who was afterwards Triumvir, and became so famous by his love for Cleopatra, as

hat of Silanus, it will be easy still to defend both you and myself from any imputation of cruelty; nay, and to make appear, that it is much the gentler punishment of the two. And yet, conscript fathers, what cruelty can be committed in the punishment of so enormous a crime? I speak according to my real sense of the matter. For may I never enjoy, in conjunction with you, the benefit of my country's safety, if the eagerness which I shew in this cause proceeds from any severity of temper (for no man has less of it), but from pure humanity and clemency. For I seem to behold this city, the light of the universe, and the citadel of all nations, suddenly involved in flames. I figure to myself my country in ruins, and the miserable bodies of slaughtered citizens, lying in heaps without burial. The image of Cethegus, furiously revelling in your blood, is now before my eyes. But when I represent to my imagination Lentulus on the throne, as he owns the fates encouraged him to hope; Gabinius clothed in purple; and Catiline approaching with an army; then am I struck with horror at the shrieks of mothers, the flight of children, and the violation of the vestal virgins. And because these calamities appear to me in the highest degree deplorable and dreadful, therefore am I severe and unrelenting towards those who endeavoured to bring them upon us. For let me ask, should the master of a family, finding his children butchered, his wife murdered, and his house burnt by a slave, inflict upon the offender a punishment that fell short of the highest degree of rigour, would he be accounted mild and merciful, or inhuman and cruel? For my own part, I should look upon him as hard-hearted and insensible, if he did not endeavour to allay his own anguish and torment, by the torment and anguish of the guilty cause. It is the same with us in respect of those men who intended to murder us, with our wives and children; who endeavoured to destroy our several dwellings, and this city, the general seat of the commonwealth; who conspired to settle the Allobrogians upon the ruins of this state, and raise them from the ashes of our empire. If we punish them with the utmost severity, we shall be accounted compassionate; but if we are remiss in the execution of justice, we may deservedly be charged with the greatest cruelty, in exposing the republic and our fellow-citizens to ruin. Unless any one will pretend to say, that L. Caesar, a brave man, and zealous for the interest of his country, acted a cruel part, the other day, when he declared, that the husband of his sister, a lady of distinguished merit, and that too in his own presence and hearing, deserved to suffer death; al-

NOTES.

defeat at Actium. If we believe Plutarch, in his life of Antony, the punishment now inflicted upon Lentulus, was

the source of that enmity which afterwards broke out with so much violence between this very Antony and Cicero.

dientem, vitâ privandum esse dixit; (11) cùm avum jussu Coss. interfectum, filiumque ejus impuberem legatum à patre missum, in carcere necatum esse dixit. Quorum quod simile fuit factum? quod initum delendae reip. consilium? Largitionis voluntas tum in republica versata est, et partium quaedam contentio. Atque illo tempore hujus avus Lentuli, clarissimus vir, armatus Gracchum est persecutus, et grave tum vulnus accepit, ne quid de summa dignitate reipub. minueretur: hic ad evertenda fundamenta reip. Gallos arcessivit, servitia coepitavit, Catilinam evocavit, attribuit nos trucidandos Cethego, caeteros cives interficiendos Gabinio, urbem inflammandam Cassio, totam Italiam vastandam diripiendamque Catilinae. Vereamini, censeo, ne in hoc scelere tam immani ac nefario, nimis aliquid severè statuisse videamini: cùm multò magis sit verendum, ne remissione poenae crudeles magis in patriam, quam ne severitate animadversionis nimis vehementes in acerbissimos hostes fuisse videamini.

VII. Sed quae exaudio, P. C. dissimulare non possum; jactantur enim voces, quae perveniunt ad aures meas, eorum, qui vereri videntur, ut habeam satis praesidii ad ea, quae vos statueritis hodierno die, transigenda. Omnia provisa, parata, et constituta sunt, P. C. cùm meā summā curā atque diligentia, tum multo etiam majore populi Romani ad summum imperium retinendum, et ad communes fortunas conservandas voluntate. Omnes adsunt omnium ordinum homines, omnium denique aetatum: plenum est forum, plena templa circa forum, pleni omnes aditus hujus loci ac templi. Causa enim est, post urbem conditam haec inventa sola, in qua omnes sentirent unum atque idem, praeter eos, qui, cùm sibi viderent esse pereundum, cum omnibus potius, quam soli perire voluerunt; hosce ego homines excipio, et secerno libenter; neque enim in improborum civium, sed in acerbissimorum hostium numero habendos puto. Caeteri vero, dii immortales! quam frequentiā, quo studio, quam virtute ad communem dignitatē, salutemque consentiunt? Quid ego hic equites Romanos commemorem? qui vobis ita summam ordinis consiliique concedunt, ut yobiscum de amore reip. certent: quos ex (12) multorum annorum dissensione ad hujus ordinis societatem

NOTES.

(11) *Cùm avum jussu consulis interfectum, filiumque ejus, &c.*] There is no occasion for any corrections or alterations in this place. L. Caesar had said, that Lentulus, his sister's husband, deserved death; and, to confirm what he advanced, he mentioned the example of his grandfather Marcus Fulvius Flaccus, who, though far less guilty, was yet slain by order of the consul Opimius. Nay, one of the sons of this Flaccus, being sent

by his father as an ambassador to the consul, to propose an accommodation, Opimius sent him back with severe threatenings, if he should dare to return with any proposal, besides that of an immediate surrender. The son returning to the consul with other proposals, was seized, and, after the defeat of his party, was put to death by the consul's orders, though but eighteen years old.

ging the example of his grandfather, slain by order of the con-
l; who likewise commanded his son, a mere youth, to be ex-
uted in prison, for bringing him a message from his father.
nd yet what was their crime, compared with that now before
? had they formed any conspiracy to destroy their country?
partition of lands was then indeed proposed, and a spirit of
ction began to prevail in the state; at this time the grandfather
this very Lentulus, an illustrious patriot, attacked Gracchus
arms; and, in defence of the honour and dignity of the com-
onwealth, received a cruel wound. This his unworthy desœn-
ant, to overthrow the very foundations of the state, sends for
ie Gauls, stirs up the slaves, invites Catiline, assigns the mur-
ering of the senate to Cethegus, the massacre of the rest of the
tizens to Gabinius, the care of setting the city on fire to Cas-
us, and the devastation and plunder of Italy to Catiline. Is it
ossible you should be afraid of being thought too severe in the
unishment of so unnatural and monstrous a treason, when in
eality you have much more cause to dread the charge of cruelty
o your country, for your too great lenity, than the imputation
f severity for proceeding in an exemplary manner against such
implacable enemies?

SECT. VII. But I cannot, conscript fathers, conceal what I
ear. Reports are spread through the city, and have reached
ny ears, tending to insinuate, that we have not a sufficient force
o support and execute what you shall this day decree. But be
ssured, conscript fathers, that every thing is concerted, regula-
ed, and settled, partly through my extreme care and diligence,
ut still more by the indefatigable zeal of the Roman people, to
upport themselves in the possession of empire, and preserve their
common fortunes. The whole body of the people is assembled
or your defence; the forum, the temples round the forum, and
all the avenues of the senate, are possessed by your friends. This,
indeed, is the only cause, since the building of Rome, in which
all men have been unanimous; those only excepted, who, find-
ing their own ruin unavoidable, chose rather to perish in the ge-
neral wreck of their country, than fall by themselves. These I
willingly except, and separate from the rest; for I consider them
not so much in the light of bad citizens, as of implacable enemies.
But then as to the rest, immortal gods! in what crowds, with
what zeal, and with what courage do they all unite in defence
of the public welfare and dignity? What occasion is there
to speak here of the Roman knights, who, without disputing
your precedence in rank, and the administration of affairs,

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(12) *Multorum annorum dissensione.]* judges to be chosen out of the knights;
The Sempronian law had admitted the but L. Sylla again restored this privilege

concordiamque revocatos, hodiernus dies vobiscum atque haec causa conjungit; quam conjunctionem si in consulatu confirmata meo, perpetuam in republica tenuerimus, confirmo vobis, nullum posthac malum civile ac domesticum ad ullam reipub. partem esse venturum. Pari studio defendendae reipub. convenisse video (13) tribunos aerarios, fortissimos viros, scribas item universos; quos cum casu hic dies ad aerarium frequentasset, video ab exspectatione sortis ad communem salutem esse conversos. Omnis ingenuorum adest multitudo, etiam tenuissimorum. Quis est enim, cui non haec tempa, aspectus urbis, possessio libertatis, lux denique haec ipsa, et hoc commune patriae solum, cum sit carum, tum vero dulce atque jucundum?

VIII. Operae pretium est, P. C. libertinorum hominum studia cognoscere, qui suâ virtute fortunam civitatis consecuti, hanc verè suam patriam esse judicant: quam quidam hic nati, et summo nati loco, non patriam suam, sed urbem hostium esse judicaverunt. Sed quid ego hujusce ordinis homines commemorem, quos privatae fortunae, quos communis res publica, quos denique libertas ea, quae dulcissima est, ad salutem patriae defendendam excitavit? servus est nemo, qui modò tolerabili conditione sit servitus, qui non audaciam civium perditorum perhorrescat; qui non obstare cupiat; qui non tantum, quantum audet, et quantum potest, conferat ad communem salutem civitatis. Quare si quem vestrum forte commovet hoc, quod auditum est, lenonem quendam Lentuli concursare circum tabernas, pretio sperantem solicitari posse animos egentium atque imperitorum;

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to the senators only. Aurelius Cotta, a few years before this, had re-admitted the knights to the right of judicature. This had occasioned a difference between the two orders for almost a century; but no sooner was Cicero entered upon his consulship, than he formed the project of uniting the Equestrian order with the senate, in one common party and interest. The knights, next to the senators, consisted of the richest and most splendid families of Rome, who, from the ease and affluence of their fortunes, were naturally well affected to the prosperity of the republic; and being also the constant farmers of all the revenues of the empire, had a great part of the inferior people dependent upon them. Cicero imagined that the united weight of these two orders would always be an over-balance to any other power in the state, and a secure barrier against any attempt of the popular and ambitious upon the common liberty. He was the only man in the

city capable of effecting such a coalition, being now at the head of the senate, yet the darling of the knights, who considered him as the pride and ornament of their order; whilst he, to ingratiate himself the more with them, affected always in public to boast of that extraction, and to call himself an Equestrian; and made it his special care to protect them in all their affairs, and to advance their credit and interest: insomuch that it was the authority of his consulship, that first distinguished and established them into a third order of the state. This we learn clearly from the elder Pliny, in the beginning of his thirty-third book of his Natural History. His words are: "Cicero demum stabilivit equestre nomen in consulatu suo; ei senatum concilians, ex eo se ordine profectum celebrans, et ejus vires peculiari popularitate quaerens. Ab illo tempore plane hoc tertium corpus in republica factum est, coepitque adjici senatui populoque

vie with you in their zeal for the republic; whom, after a dissension of many years, this day's cause has entirely reconciled and united with you? And if this union, which my consulship has confirmed, be preserved and perpetuated, I am confident, that no civil or domestic evil can ever again disturb this state. The like zeal for the common cause appears among the tribunes of the exchequer, and the whole body of the scribes; who, happening to assemble this day at the treasury, have dropt all consideration of their private affairs, and turned their whole attention upon the public safety. The whole body of free-born citizens, even the meanest, offer us their assistance. For, where is the man, to whom these temples, the face of the city, the possession of liberty, in short, this very light, and this parent soil, are not both dear and delightful?

SECT. VIII. And here, conscript fathers, let me recommend to your notice the zeal of those freemen, who, having, by their merit, obtained the privilege of citizens, consider this as their real country: whereas, some born within the city, and born too of an illustrious race, treat it not as a mother-soil, but as a hostile city.—But why do I speak of men, whom private interest, whom the good of the public, whom, in fine, the love of liberty, that dearest of all human blessings, have roused to the defence of their country? There is not a slave in any tolerable condition of life, who does not look with horror on this daring attempt of profligate citizens, who is not anxious for the preservation of the state; in fine, who does not contribute all in his power to promote the common safety. If any of you, therefore, are shocked by the report of Lentulus's agents running up and down the streets, and soliciting the needy and thoughtless to make some effort for his rescue; the fact indeed is true, and the thing has been attempted: but not a man was found so desperate in his fortune, so aban-

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"Romano equester ordo." The policy was certainly very good, and the republic reaped great benefit from it in this very year, through which he had the whole body of knights at his devotion; who, with Atticus at their head, constantly attended his orders, and served as a guard to his person. And, if the same maxim had been pursued by all succeeding consuls, it might probably have preserved, or would certainly at least have prolonged the liberty of the republic.

(13) *Tribunos aerarios, scribes.*] The *tribuni aerarii* were officers under the quaestor, employed in receiving and distributing the public money. The *scribes*

were a very honourable order of men, whose business it was to record all public acts. The old scholiast tells us, that they were assembled on this occasion to divide among themselves the offices for the ensuing year, viz. who should be secretary to the consuls; who to the praetors, &c. This was annually done, and, like the other offices at Rome, usually determined by lot. While they were busied about these concerns, they saw the prisoners brought to the senate-house; upon which, dropping all thoughts of their private affairs, they came and made an offer of their assistance.

est id quidem coeptum atque tentatum: sed nulli sunt inventi tam aut fortunâ miseri, aut voluntate perdit, qui non ipsum illum sellae atque operis, et quaestûs quotidiani locum, qui non cubile ac lectulum suum, qui denique non cursum hunc otiosum vitae suae, salvum esse velint. Multo verò maxima pars eorum qui in tabernis sunt, immò verò (id enim potius est dicendum) genus hoc universum amantissimum est otii. Etenim omne eorum instrumentum, omnis opera, ac quaestus, frequentiâ civium sustinetur, alitur otio: quorum si quaestus, occlusis tabernis, minui solet, quid tandem incensis futurum est? Quae cum ita sint, P. C. vobis populi Rom. praesidia non desunt: vos ne populo Rom. deesse videamini, providete.

IX. Habetis consulem ex plurimis periculis et insidiis, atque ex media morte, non ad vitam suam, sed ad salutem vestram reservatum: omnes ordines ad conservandam rem publ. mente, voluntate, studio, virtute, voce consentiunt: obsessa facibus et telis impiae conjurationis, vobis supplex manus tendit patria communis: vobis se, vobis vitam omnium civium, vobis arcem et Capitolum, vobis aras penatium, vobis illum ignem Vestae perpetuum ac sempiternum, vobis omnia deorum templa atque delubra, vobis muros atque urbis tecta commendat. Praeterea de vestra vita, de conjugum vestrarum ac liberorum anima, de fortunis omnium, de sedibus, de focis vestris hodierno die vobis judicandum est. Habetis ducem, memorem vestri, oblitum sui; quae non semper facultas datur: habetis omnes ordines, omnes homines, universum populum Romanum (id quod in civili causa hodierno die primùm videimus) unum atque idem sentientem. Cogitate quantis laboribus fundatum imperium, quantâ virtute stabilitam libertatem, quantâ deorum benignitate auctas exaggeratasque fortunas una nox penè delerit. Id ne unquam posthac non modò confici, sed ne cogitari quidem possit à civibus, hodierno die providendum est. Atque haec, non ut vos, qui mihi studio penè praeccurritis, excitarem, locutus sum, sed ut mea vox, (14) quae debet esse in repub. princeps, officio functa consulari videretur.

X. Nunc antequam, P. C. ad sententiam redeo, de mé pauca dicam. Ego, quanta manus est conjuratorum, quam videtis esse permagnam, tantam me inimicorum multitudinem suscepisse vi-

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(14) *Quae debet esse in republica princeps.*] It was the consul's business more immediately to provide for the safety of the state, and to apply himself to this, and this alone, during the year. Besides, Cicero had summoned this meeting of

the senate, and it might be expected that he should give his opinion concerning the prisoners; but this he cautiously avoids doing in express words, though it may easily be perceived which way he inclines.

doned in his inclinations, who did not prefer the shed in which he worked and earned his daily bread, his little hut and bed in which he slept, and the easy peaceful course of life he enjoyed, to all the proposals made by these enemies of the state. For the greatest part of those who live in shops, or, to speak indeed more truly, all of them, are of nothing so fond as peace: for their whole stock, their whole industry and subsistence, depends upon the peace and fulness of the city; and, if their gain would be interrupted by shutting up their shops, how much more would it be so by burning them? Since, then, conscript fathers, the Roman people are not wanting in their zeal and duty towards you, it is your part not to be wanting to the Roman people.

SECT. IX. You have a consul snatched from various snares and dangers, and the jaws of death, not for the propagation of his own life, but of your security. All orders unite in opinion, inclination, zeal, courage, and a professed concern to secure the commonwealth. Your common country, beset with the bands and weapons of an impious conspiracy, stretches out her suppliant hands to you for relief, recommends herself to your care, and beseeches you to take under your protection the lives of the citizens, the citadel, the Capitol, the altars of domestic worship, the everlasting fire of Vesta, the shrines and temples of the gods, the walls of the city, and the houses of the citizens. Consider likewise, that you are this day to pass judgment on your own lives, on those of your wives and children, on the fortunes of all the citizens, on your houses and properties. You have a leader, such as you will not always have, watchful for you, regardless of himself. You have, likewise, what was never known before in a case of this kind, all orders, all ranks of men, the whole body of the Roman people, of one and the same mind. Reflect how this mighty empire, reared with so much toil, this liberty, established with so much bravery, and this profusion of wealth, improved and heightened by such favour and kindness of the gods, were like, in one night, to have been for ever destroyed. You are this day to provide, that the same thing not only shall never be attempted, but not so much as thought of again by any citizen. All this I have said, not with a view to animate your zeal, in which you almost surpass me, but that my voice, which ought to lead in what relates to the commonwealth, may not fall short of my duty as consul.

SECT. X. But, before I declare my sentiments farther, conscript fathers, suffer me to drop a word with regard to myself. I am sensible I have drawn upon myself as many enemies as there are persons concerned in the conspiracy, whose number you see

deo: sed eam esse judico turpem et infirmam, contemptam et abjectam. Quòd si aliquando alicujus furore et scelere concitata manus ista plus valuerit, quām vestra ac reipublicae dignitas, me tamen meorum factorum atque consiliorum nunquam, P. C., poenitebit. Etenim mors, quam illi mihi fortasse minitantur, omnibus est parata: vitae tantam laudem, quantā vos me vestris decretis honestāstis, nemo est assecutus. Caeteris enim semper bēnē gestae, mihi uni conservatae reipublicae gratulationem decrevistis. Sit Scipio clarus, ille, cujus consilio atque virtute Hannibal in Africam redire, atque ex Italia decedere coactus est: ornetur alter eximiā laude Africanus, qui duas urbes huic imperio infestissimas, Carthaginem Numantiamque delevit: habeatur vir egregius, L. Paulus ille, cujus currum rex potentissimus quondam et nobilissimus Perses honestavit: sit in aeterna gloria Marius, qui bis Italiam obsidione et metu servitutis liberavit: anteponatur omnibus Pompeius, cujus res gestae, atque virtutes iisdem, quibus solis cursus, regionibus ac terminis continentur; erit profecto inter horum laudes aliquid loci nostrae gloriae: nisi fortè majus est, patefacere nobis provincias, quò exire possimus, quām curare, ut etiam illi qui absunt, habeant (15) quò victores revertantur; quanquam est uno loco conditio melior externae victoriae, quām domesticae: quòd hostes alienigenae aut oppressi serviunt, aut recepti beneficio se obligatos putant: qui autem ex numero civium dementiā aliquā depravati, hostes patriae semel esse coeperunt, eos, cùm à pernicie reipublicae repuleris, neque vi coērcere, neque beneficio placare possis. Quare mihi cum perditis civibus aeternum bellum susceptum esse video: quod ego vestro bonorumque omnium auxilio, memoriāque tantorum periculorum, quae non modò in hoc populo, qui servatus est, sed etiam in omnium gentium sermonibus ac mentibus semper haerebit, à me, atque à meis facilè propulsari posse confido. Neque ulla profectò tanta vis reperiatur, quae conjunctionem vestram equitumque Romanorum, et tantam conspirationem bonorum omnium perfringere et labefactare possit.

XI. Quae cùm ita sint, patres conscripti, pro imperio, pro exercitu, pro provincia quam neglexi, pro triumpho caeterisque laudis insignibus, quae sunt à me propter urbis vestraeque salutis

NOTES.

(15) *Quò victores revertantur.*] The reflection is just and natural, and admirably calculated to confirm what he had been advancing, that there was more glory in preserving the state from ruin, than in enlarging its bounds by the acquisition of foreign provinces. We are told, in the third book of the Offices, that Pompey, speaking of Cicero's consulship in the senate, expressed himself

to this purpose: "That it would have little availed him to obtain the honour of a third triumph, had not Cicero, by his prudent conduct at home, preserved him the city wherein to triumph." — For, while Cicero was employed in quelling the conspiracy at Rome, Pompey was in Asia, struggling with the remains of the Mithridatic war.

to be very great: but I look upon them as a base, abject, impotent, contemptible faction. But if, through the madness of any, it shall rise again, so as to prevail against the senate and the republic; yet never, conscript fathers, shall I repent of my present conduct and counsels. For death, with which perhaps they will threaten me, is prepared for all men; but none ever acquired that glory of life which you have conferred upon me by your decrees. For to others you have decreed thanks for serving the republic successfully; to me alone, for having saved it. Let Scipio be celebrated, by whose conduct and valour, Hannibal was forced to abandon Italy, and return into Africa: let the other Africanus be crowned with the highest praise, who destroyed Carthage and Numantia, two cities at irreconcileable enmity with Rome: for ever renowned be L. Paulus, whose chariot was graced by the captivity of Perses, a once powerful and illustrious monarch: immortal honour be the lot of Marius, who twice delivered Italy from invasion, and the dread of servitude: above all others, let Pompey's name be renowned, whose great actions and virtues know no other limits than those that regulate the course of the sun. Yet surely, among so many heroes, some place will be left for my praise: unless it be thought a greater merit to open a way into new provinces, whence we may retire at pleasure, than to take care that our conquerors may have a home to return to. In one circumstance, indeed, the condition of a foreign victory is better than that of a domestic one; because a foreign enemy, when conquered, is either quite crushed and reduced to slavery, or, obtaining favourable terms, becomes a friend: but when profligate citizens once turn rebels, and are baffled in their plots, you can never keep them quiet by force, nor oblige them by favours. I therefore see myself engaged in an eternal war with all traitorous citizens; but am confident I shall easily repel it from me and mine, through yours and every worthy man's assistance, joined to the remembrance of the mighty dangers we have escaped; a remembrance that will not only subsist among the people delivered from them, but which must for ever cleave to the minds and tongues of all nations. Nor, I trust, will any force be found strong enough to overpower or weaken the present union between you and the Roman knights, and this general confederacy of all good citizens!

SECT. XI. Therefore, conscript fathers, instead of the command of armies and provinces, which I have declined; instead of a triumph, and other distinctions of honour, which, for your preservation, and that of this city, I have rejected; instead of attach-

custodiam repudiata, pro clientelis hospitiisque provincialibus, quae tamen urbanis opibus non minore labore tueor, quam comparo: pro his igitur omnibus rebus, et pro meis in vos singularibus studiis, proque hac, quam conspicitis, ad conservandam rem publicam diligentiam, nihil aliud à vobis, nisi hujus temporis, totiusque mei consulatūs memoriam postulo: quae dum erit vestris mentibus infixa, firmissimo me muro septum esse arbitrabor. Quòd si meam spem vis improborum fecellerit atque superaverit, commendabo vobis parvum meum filium; cui profectò satis erit praesidii non solùm ad salutem, verùm etiam ad dignitatem, si ejus, qui haec omnia suo solius periculo conservaverit, illum esse filium memineritis. Quapropter de summa salute vestra, populique Romani, P. C., de vestris conjugibus ac liberis; de aris ac focis; de fanis ac templis; de totius urbis tectis ac sedibus; de imperio, de libertate, de salute Italiae, déque universa rep. decernite diligentè, ut instituistis, ac fortiter. (16) Habetis enim consulem, qui et parere vestris decretis non dubitet, et ea quae statueritis, quoad vivet, defendere, et per se ipsum praestare possit.

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(16) *Habetis enim consulem, &c.*] It may not now be improper to acquaint the reader with the issue of this whole affair. Cicero's speech had the desired effect; and our orator, by discovering his own inclination, gave a turn to the inclination of the senate; when Cato, one of the new tribunes, rose up, and after extolling Cicero to the skies, and recommending to the assembly the authority of his example and judgment, proceeded to declare, agreeably to his temper and principles, that he was surprised to see any debate about the punishment of men who had begun an actual war against their country; that their deliberation should be, how to secure themselves against them, rather than how to punish them; that other crimes might be punished after commission, but unless this was prevented before its effect; it would be vain to seek a remedy after; that the debate was not about the public revenues, or the oppressions of the allies, but about their own lives and liberties; not about the discipline or manners of the city, on which he had oft delivered his mind in that place, nor about the greatness or prosperity of their empire; but whether they or their enemies should possess that empire; and in such a case there could be no room for mercy. If they must needs be merciful, let it be to the plunderers of the treasury; but let them not be prodigal of the blood of ci-

tizens, and by sparing a few bad, destroy all the good. That the flagitious lives of the criminals confuted every argument of mercy; that Catiline was hovering over them with an army, while his accomplices were within the walls, and in the very heart of the city; so that whatever they determined, it could not be kept secret, which made it the more necessary to determine quickly. Wherefore his opinion was, that since the criminals had been convicted both by testimony and their own confession, of a detestable treason against the republic, they should suffer the punishment of death, according to the custom of their ancestors. Cato's authority, added to the impression which Cicero had already made, put an end to the debate; and the senate, applauding his vigour and resolution, resolved upon a decree in consequence of it. And although Silanus had first opposed that opinion, and was followed in it by all the consular senators, yet they ordered the decree to be drawn up in Cato's words, because he had delivered himself more fully and explicitly upon it than any of them. The vote was no sooner passed, than Cicero resolved to put it into execution, lest the night, which was coming on, should produce any new disturbance. He went directly therefore from the senate, attended by a numerous guard of friends and citizens, and took Lentulus from the custody of his kin-

ments and dependences in the provinces, which, by means of my authority, and credit in the city, I labour no less to support than acquire: for all these services, I say, joined to my singular zeal for your interest, and that unwearied diligence you see me exert to preserve the state, I require nothing more of you than the perpetual remembrance of this juncture, and of my whole consulship. While that continues fixed in your minds, I shall find myself surrounded with an impregnable wall. But, should the violence of the factious ever disappoint and get the better of my hopes, I recommend to you my infant son, and trust that it will be a sufficient guard, not only of his safety, but of his dignity, to have it remembered that he is the son of one who, at the hazard of his own life, preserved you all. Therefore, conscript fathers, let me exhort you to proceed with vigour and resolution in an affair that regards your very being, and that of the people of Rome; your wives and children; your religion and properties; your altars and temples; the houses and dwellings of this city; your empire; your liberty; the safety of Italy; and the whole system of the commonwealth. For you have a consul, who will not only obey your decrees without hesitation, but, while he lives, will support and execute in person whatever you shall order.

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man Lentulus Spinther, and conveyed him through the forum to the common prison, where he delivered him to the executioners, who presently strangled him. The other conspirators, Cethegus, Statilius, and Gabinius, were conducted to their execution by their praetors, and put to death in the same manner, together with Ceparius, the only one of their accomplices who was taken after the examination.—When the affair was over, Cicero was conducted home in a kind of

triumph, by the whole body of the senate and the knights; the streets being all illuminated, and the women and children at the windows, and on the tops of the houses, to see him pass along through infinite acclamations of the multitude, proclaiming him their saviour and deliverer. As for Catiline himself, seeing his party in the city destroyed, he was necessitated soon after to come to a battle, in which he was defeated and slain, and his whole army cut to pieces.

ORATIO VIII.

PRO L. MURENA.*

I. QUAE precatus sum à diis immortalibus, Iudices, more, institutoque majorum, illo die quo auspicatò (1) comitiis centuriatis L. Murenam consulem renunciavi, ut ea res mihi ma-

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* In the Comitia held by Cicero for the election of consuls, D. Junius Silanus, and L. Licinius Murena, were chosen to that magistracy. Soon after the election was over, a prosecution was set on foot against Murena, who was charged with having infringed the law against bribery and corruption, lately passed by Cicero. Cato had declared, in the senate, that he would try the force of this law upon one of the consular candidates.—And since Catiline, whom he chiefly aimed at, was now out of his reach, (having some time before left the city, and repaired to Manlius's camp), he resolved to fall upon Murena; yet connived at the same in the other consul, Silanus, who had married his sister, though equally guilty with his colleague. He was joined in the accusation by one of the disappointed candidates, S. Sulpicius, a person of distinguished worth and character, and the most celebrated lawyer of the age; for whose service, and at whose instance, Cicero's law against bribery was chiefly provided. Murena was bred a soldier, and had acquired great fame in the Mithridatic war, as lieutenant to Lucullus; and was now defended by three, the greatest men as well as the greatest orators in Rome, Crassus, Hortensius, and Cicero; so that there seldom had been a trial of more expectation, on account of the dignity of all the parties concerned. The character of the accusers makes it reasonable to believe, that there was

clear proof of some illegal practices; yet, from this speech of Cicero, who delivered himself after Hortensius and Crassus, and which, though imperfect, is the only remaining monument of the transaction, it seems probable that they were such only as, though strictly speaking irregular, were yet warranted by custom, and the example of all candidates; and though heinous in the eyes of a Cato, or an angry competitor, were usually overlooked by the magistrates, and expected by the people. The reader is to observe, that Murena, at the time of speaking this oration, was consul-elect, and that it happened just at the crisis of Catiline's conspiracy, and before he was defeated. This Cicero insists mightily upon in his defence, urging the necessity of having two consuls for the guard of the city at the opening of the new year, and the great imprudence there would be in setting aside one who, by a military education, was the best qualified to defend it in so dangerous a crisis. This consideration had such weight with the judges, that, without any deliberation, they unanimously acquitted Murena, and would not, as our orator elsewhere tells us, so much as hear the accusation of men the most eminent and illustrious. It may not be amiss to observe here, that Cicero, all this while, had a strict intimacy with Sulpicius, whom he had served with all his interest in this very contest for the consulship. He had a great friendship

ORATION VIII.

FOR L. MURENA.

SECT. I. My Lords, the prayer which, according to custom and the usage of our forefathers, I addressed to the immortal gods, on that day when, with the accustomed ceremonies, I declared L. Murena consul in the comitia by centuries; that the

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also with Cato, and the highest esteem of his integrity: yet he not only defended this cause against them both, but, to take off the prejudice of their authority, laboured even to make them ridiculous; rallying the profession of Sulpicius astrifling and contemptible, the principles of Cato as absurd and impracticable, with so much humour and wit, that he made the whole audience very merry, and forced Cato to cry out, What a facetious consul have we! But what is more observable, the opposition of these great men, in an affair so interesting, gave no sort of interruption to their friendship, which continued as firm as ever to the end of their lives; and Cicero, who lived the longest of them, shewed the real value that he had for them both after their deaths, by procuring public honours for the one, and writing the life and praises of the other. Murena, too, though exposed to so much danger by the prosecution, yet seems to have retained no resentment of it; but, during his consulship, paid a great deference to the counsels of Cato, and employed all his power to support him against the violence of Metellus, his colleague in the tribunate. This was a greatness of mind truly noble, and suitable to the dignity of the persons; not to be shocked by the particular contradiction of their friends, when their general views on both sides were laudable and virtuous: yet this must not be whol-

ly charged to the virtue of the men, but to the discipline of the republic itself, which, by a wise policy, imposed it as a duty on its subjects to defend their fellow-citizens in their dangers, without regard to any friendships or engagements whatsoever. The examples of this kind will be more or less frequent in states, in proportion as the public good happens to be the ruling principle; for that is a bond of union too firm to be broken by any little differences about the measures of pursuing it; but where private ambition and party zeal have the ascendant, there every opposition must necessarily create animosity, as it obstructs the acquisition of that good which is considered as the chief end of life, private benefit and advantage. This oration was spoken in the latter end of the six hundred and ninetieth year of Rome, and in the forty-fourth year of our author's age, when he and Antonius were consuls.

(1) *Comitiis centuriatis.*] The *Comitia* were assemblies of the people, legally convened by magistrates, of which historians mention three several kinds; the *Curiata*, *Centuriata*, and *Tributa*. The *Comitia curiata* were instituted by Romulus; the *Centuriata*, by Servius Tullius; and the *Tributa*, by the tribunes of the people. They took their names from the manner in which the people voted at the assemblies. Thus, in the *Comitia curiata*, they voted by *curiae*; in the

gistratuique meo, (2) populo, plebique Romanae benè atque felicitè eveniret: eadem precor ab iisdem diis immortalibus ob ejusdeni hominis consulatum unà cum salute obtinendum, et ut vestrae mentes atque sententiae cum populi Rom. voluntate suffragiisque consentiant, eaque res vobis populoque Rom. pacem, tranquillitatem, otium, concordiamque afferat. Quòd si illa solemnis comitiorum precatio, consularibus auspiciis consecrata, tantam habet in se vim et religionem, quantam reipublicae dignitas postulat: idem ego sum precatus, ut eis quoque hominibus, quibus hic consulatus, me rogante, datus esset, ea res faustè, felicitè, prosperèque eveniret. Quae cùm ita sint, judices, et cùm omnis deorum immortalium potestas, aut translata sit ad vos, aut certè communicata vobiscum: idem consul eum vestrae fidei commendat, qui anteà diis immortalibus commendavit: ut ejusdem hominis voce et declaratus consul, et defensus, beneficium populi Rom. cum vestra atque omnium civium salute tueatur. Et quoniam in hoc officio studium meae defensionis ab accusatoribus, atque etiam ipsa susceptio causae reprehensa est; antequām pro L. Murena dicere instituo, pro me ipso pauca dicam: non quò mihi potior hoc quidem in tempore sit officii mei, quām hujusce salutis defensio: sed ut, meo facto vobis probato, majore auctoritate ab hujus honore, famâ, fortunisque omnibus, inimicorum impetus propulsare possim.

II. Et primùm M. Catoni, vitam ad certam rationis normam dirigenti, et diligentissimè perpendenti momenta officiorum omnium, de officio meo respondebo. Negat fuisse rectum Cato, me et consulem, et legis ambitū latorem, et tam severè gesto consulatu, causam L. Murenae attingere; cuius reprehensio me ve-

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Centuriata, by centuries; and in the *Tributa*, by tribes. The *Comitia* by centuries, of which Cicero here speaks, owe their original to the institution of the *Census*. For Servius Tullius, obliging every one to give a true account of what they were worth, according to those accounts divided the people into six ranks or classes, which he subdivided into one hundred and ninety-three centuries. The first class, containing the knights and richest citizens, consisted of ninety-eight centuries: the second, taking in the tradesmen and mechanics, made up two and twenty centuries: the third, the same number: the fourth, twenty: the fifth, thirty: and the last, filled up with the poorer sort, had but one century. These assemblies by centuries were held for the electing of consuls, censors, and praetors;

as also for the judging of persons accused of what they called *crimen perduellionis*, or actions by which the party had shewed himself an enemy to the state; and for the confirmation of such laws as were proposed by the chief magistrates, who had the privilege of calling these assemblies. It is worth while here to observe, that, by the institution of these *Comitia*, Servius Tullius secretly conveyed the whole power from the commons: for the centuries of the first and richest classes being called out first, who were three more in number than all the rest put together, if they all agreed, as generally they did, the business was already decided, and the other classes were needless and insignificant. However, the three last scarce ever came to vote.—One thing I can not forbear taking notice

choice might prove happy and prosperous for me and my magistracy, for the people and commons of Rome; that very prayer do I now repeat to the same gods, that Murena may enter with safety upon the possession of his consulship; that your sentiments and decisions may correspond with the wishes and votes of the Roman people; and that this may be an event productive of peace, tranquillity, ease, and concord, to you, and to the commonwealth of Rome. And if that solemn address in the comitia, consecrated by consular auspices, has in it a force and efficacy equal to the dignity of the state; I must likewise be understood to have prayed, that the same might be a happy, joyful, and prosperous event to those persons, who, in an assembly where I presided, were chosen into the consulship. This being the case, my lords, and that all the power of the immortal gods is either transferred to, or at least communicated with you; the same consul, who before recommended Murena to the immortal gods, now recommends him to your protection; that the very voice by which his election was proclaimed, being likewise employed to defend him, he may preserve the dignity to which he has been raised by the people, with your safety, and that of all the citizens. And because, in the trial now under consideration, not only my zeal for the accused, but my very undertaking his defence is censured by the prosecutors; suffer me, before I say any thing for Murena, to speak a little in behalf of myself: not that I prefer, on the present occasion at least, my own vindication to his defence; but that having once convinced you of the uprightness of my intentions, I may with the greater authority repulse the attacks of his adversaries, upon his honour, fame, and fortunes.

SECT. II. And first I will vindicate my present behaviour to Cato, who governs his life by the unerring standard of reason, and diligently weighs the motives to every duty. He maintains that it was wrong in me, a consul, the author of the law against bribery and corruption, and who have behaved in my consulship with so inflexible a severity, to charge myself with the defence of Murena. This censure, my lords, is a very powerful motive with

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of, as it serves to give us a high idea of the lenity of the Roman laws and government, namely, that though, in the election of magistrates, and the ratification of laws, the votes of that century whose suffrages were equally divided, signified nothing: yet in trials of life and death, if the suffrages *pro* and *con* were equal in number, the person was actually acquitted.

(2) *Populo, plebique Romanae.*] As this

expression frequently occurs in Cicero's orations, it may not be amiss once for all to observe, that *populus* differs from *plebs*, as the *genus* from the *species*. By *populus* we are to understand the whole body of the Roman citizens, including the senators and patricians. *Plebs* respects only the multitude, and those of Plebeian extraction: in other words, it denotes the commons of Rome.

hementè movet, non solùm ut vobis, judices, quibus maximè debo, verùm etiam ut ipsi Catoni, gravissimo atque integerrimo viro rationem facti mei probem. A quo tandem, M. Cato, est aequius consulem defendi, quàm à consule? Quis mihi in repub. potest aut debet esse conjunctior, quàm is cui respub. à me uno traditur sustinenda, magnis meis laboribus et periculis sustentata? Quòd si in iis rebus repetendis, quae mancipi sunt, is periculum judicii praestare debet, (3) qui se nexus obligavit: profectò etiam rectiùs in judicio consulis designati, is potissimum consul, qui consulem declaravit, auctor beneficii populi Rom. defensorque periculi esse debet. Ac si, ut nonnullis in civitatibus fieri solet, patronus huic cause publicè constitueretur, is potissimè honore affecto defensor daretur, qui eodem honore praeditus non minùs afferret ad dicendum auctoritatis quàm facultatis. Quòd si è portu solventibus ii qui jam in portum ex alto invehuntur, præcipere summo studio solent et tempestatum rationem, et praedonum, et locorum; quòd natura affert ut eis faveamus, qui eadem pericula, quibus nos perfuncti sumus, ingrediantur: quo tandem me animo esse oportet, propè jam ex magna jactatione terram videntem, in hunc, cui video maximas reip. tempestates esse subeundas? Quare, si est boni consulis non solùm videre quid agatur, verùm etiam providere quid futurum sit; ostendam alio loco, quantum salutis communis intersit, duos consules in republica kalendas Januariis esse. Quod si ita est, non tam me officium debuit ad hominis amici fortunas, quàm respublica consulem ad communem salutem defendendam vocare.

III. (4) Nam quòd legem de ambitu tuli, certè ita tuli, ut eam, quam mihi metipsi jampridem tulerim dē civium periculis descendens, non abrogarem. Etenim si largitionem factam esse confiterer, idque rectè factum esse defenderem, facerem improbè, etiam si alius legem tulisset; cùm verò nihil commissum contra legem esse defendam, quid est quod meam defensionem latio legis impedit? Negat esse ejusdem severitatis, Catilinam, exitium reipub. intra moenia molientem, verbis, et penè imperio, urbe expu-

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(3) *Qui se nexus obligavit.*] To understand this passage aright, the reader must be informed, that the person who was to dispose of a property to another, was obliged to give bond, that in case this property should be evicted in law from the buyer, by one who had a prior title, then the buyer could have recourse for his indemnification upon the seller. This is properly called *dute rem mancipi*. The *nexus* is no other than the bond, by which the goods of the seller were liable for the performance.

(4) *Nam quod legem de ambitu tuli, &c.*] Cicero had passed a law against bribery and corruption, by which a candidate, convicted of that offence, was doomed to banishment for ten years. The Calphurnian law, which was prior to that of Cicero, only deprived them of their seat in the senate, and the privilege of suing for public honours. Now Cato thought it incongruous in Cicero, who had enacted so severe a law against bribery, to appear in behalf of one charged with an infraction of that very law. But

me, not only to explain the reasons of my conduct to you, to whom chiefly I owe that mark of respect, but likewise to Cato himself, a man distinguished for his integrity and wisdom. Say then, M. Cato, to whom does the defence of a consul fall more properly than to a consul? What man in the state can or ought to be dearer to me, than he into whose hands I resign the care of the commonwealth, preserved by my toils and dangers. For if in any claim upon an estate sold to another, he is obliged to defend the validity of the title, who in the conditions of sale warranted it to the buyer; surely much more in the trial of a consulelect, that consul whose lot it was to declare him so, is bound to support him in his claim, and defend him against all attacks. For if, according to the common practice of some states, the public should appoint a patron to plead in this cause, the choice would doubtless fall upon a man who, being of equal dignity with the person accused, could bring no less authority than ability to back his defence. And if mariners just returned from a voyage are very earnest to caution those whom they see setting out, in relation to storms, pirates, and shores; because nature inclines us to be concerned for those who are going to encounter the same dangers we have just escaped: in what manner ought I, who, having weathered a violent tempest, begin to have a prospect of land, to stand affected towards the man whom I see ready to face the mighty storms of the commonwealth? If then it be the duty of a good consul, not only to have an eye to present transactions, but to look forward also into futurity; I shall take occasion to shew, in the progress of my discourse, of what importance it is to the common safety, that there be two consuls in the republic on the first of January. And if so, it will readily be allowed, that the voice of my country for the public preservation, calls louder on the present occasion, than my obligation to defend the fortunes of my friend.

SECT. III. For as to the law which I passed against bribery and corruption, it was never surely meant to abrogate what I had enacted some time before, in relation to myself, to repel the dangers that threatened my fellow-citizens. Indeed, should I admit the charge of bribery, and yet pretend to vindicate it, I should act infamously, even had another been the author of the law. But as I maintain that nothing has been done contrary to the tenor of that law, why should my passing the law bar my defence? Cato says, that it is a deviation from my former severity, after having, by the force of reproaches, nay in a manner by my absolute com-

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to this our orator replies, that it was a primary law and rule of his conduct, to undertake the defence of distressed citizens; and that as Murena was falsely

charged with corruption, he could not avoid appearing in his behalf, notwithstanding the late law he had passed.

lisso; et nunc pro L. Murena dicere. Ego autem h̄as partes lenitatis et misericordiae, quas me natura ipsa docuit, semper egi libentē: illam verò gravitatis severitatisque personam non appetivi, sed ab repub. mihi impositam sustinui, sicut hujus imperii dignitas in summo periculo civium postulabat. Quòd si tum, cùm respub. yim et severitatem desiderabat, vici naturam, et tam vehemens fui, quām cogebar, non quām volebam: nunc, cùm omnes me causae ad misericordiam, atque ad humanitatem vocent, quanto tandem studio debo naturae meae consuetudinique servire? Ac de officio defensionis meae, et de ratione accusationis tuae, fortasse etiam alia in parte orationis dicendum nobis erit. Sed me, judices, non minus hominis sapientissimi atque ornatissimi Ser. Sulpicii conquestio, quām Catonis accusatio, commovebat: qui gravissimè et acerbissimè se ferre dixit, me familiaritatis necessitudinisque oblitum, causam L. Murenae contra se defendere. Huic ego, judices, satisfacere cupio, vosque adhibere arbitros. Nam cùm grave est verè accusari in amicitia, tum etiam, si falsò accuseris, non est negligendum. Ego, Ser. Sulpici, me in petitione tua tibi omnia studia atque officia pro nostra necessitudine, et debuisse confiteor, et praestitisse arbitrō; nihil tibi consultatum petenti à me defuit, quod esset aut ab amico, aut à gratioso, aut à consule postulandum: abiit illud tempus: mutata ratio est: sic existimo, sic mihi persuadeo, me tibi contra honorem L. Murenae, quantum tu à me postulare ausus sis, tantum debuisse; contra salutem nihil debere. Neque enim si tibi tum, cùm peteres consulatum, affui, idcirco nunc, cùm Murenam ipsum petas, adjutor eodem pacto esse debeo. Atqué hoc non modò non laudari, sed ne concedi quidem potest, ut amicis nostris accusantibus, nón etiam alienissimos defendamus.

IV. Mihi autem cum Murena, judices, et yetus, et magna amicitia est, quae in capitib⁹ dimicatione à Ser. Sulpicio non idcirco obruetur, quòd ab eodem in honoris contentionē superata est. Quae si causa non esset, tamen vel dignitas hominis, vel honoris ejus, quem adeptus est, amplitudo, summam mihi superbiae crudelitatisque famā inussisset, si hominis, (5) et suis et pop. Rom.

NOTES.

(5) *Et suis, et populi Romani ornamen-*
tis amplissimi.] Murena was distinguish-
 ed by many honours, that entitled him
 to Cicero's friendship and patronage.
 He was of an illustrious family, that had
 long made a figure in the commonwealth.
 His father had been quaestor and prae-

tor. He himself was renowned for his virtue, and had acquired great military fame in the Mithridatic war. The people too had testified their approbation of his worth, by advancing him to the aedileship, the praetorship, and now to the consulship.

mand, driven Catiline from the city, while he was meditating the destruction of his country within her walls, to plead now for L. Murena. But, in fact, I always undertook with pleasure the parts of gentleness and mercy, to which my nature strongly inclines me; nor was the rigid and severe character by any means my own choice: yet, when the cause of my country forced it upon me, I sustained it with a dignity becoming the majesty of this commonwealth, in the imminent danger to which her citizens were exposed. But if, at that time, when the public good called for severity and vigour, I found means to conquer nature, and put on an inflexibility, not of inclination, but of necessity; now, that all circumstances invite me to humanity and pity, with what ardour ought I to return to my natural disposition and habit? But possibly I may have occasion, in another part of this speech, to enlarge still farther upon my duty as a defender, and your conduct as an accuser. But, my lords, if Cato's accusation gives me pain, neither am I less hurt by the complaints of the wise and accomplished Servius Sulpicius, who tells me he sees with infinite regret and concern, that I have forgot all former ties of intimacy and friendship, in undertaking against him the defence of Murena. My lords, it is my earnest desire to give him satisfaction in this point, and you shall be umpire between us. For, as breach of friendship, if justly objected, is a very heavy charge; so, even where the accusation is groundless, we ought not to seem indifferent to the reproach. I readily grant, Servius Sulpicius, that, in your suit for the consulship, I owed you, in point of friendship, all the zeal and good offices in my power: and I flatter myself, I have not been wanting in the performance. Nothing was omitted by me that could be expected from a friend, a man of interest, or a consul. But that period is now past, and things have put on another face. I allow and declare it as my opinion, that I was bound to go all lengths with you, in opposing Murena's preferments; but then I owe you nothing against his life. Nor does it follow, that, because I was aiding to you against Murena in your demand of the consulship, I am therefore now also to assist you in an attack upon Murena himself. For it is not only not commendable, but even disallowable, to refuse the defence of the merest stranger, though prosecuted by our dearest friends.

SECT. IV. But, my lords, there has subsisted a long and intimate friendship between me and Murena, which, though it gave way to my regard for Sulpicius in a struggle about preferment, must not therefore be stifled in an impeachment that threatens his life.—And, was this even not the case, yet the very dignity of the person, and the illustrious rank he holds in the commonwealth, must have branded my reputation with an indelible stain of pride

ornamentis amplissimi, causam tanti periculi repudiâsem. Neque enim jam mihi licet, neque est integrum, ut meum laborem hominum periculis sublevandis non impertiam. Nam cùm praemia mihi tanta pro hac industria sint data, quanta anteà nemini: labores, per quòs ea ceperis, cùm adeptus sis, deponere, esset hominis et astuti, et ingratii. Quòd si licet desinere, si te auctore possum, si nulla inertiae, nulla superbiae turpitudo, nulla inhumanitatis culpa suscipitur, ego verò libentèr desino. Sin autem fuga laboris, desidiam; repudiatio supplicum, superbiam; amicorum neglectio, improbitatem coarguit: nimirùm haec causa est ejusmodi, quam nec industrius, nec misericors, nec officiosus deserere possit. Atque hujusc rei conjecturam de tuo ipsius studio, Servi, facillimè ceperis. Nam si tibi necesse putas etiam adversariis amicorum tuorum de jure consulentibus respondere; et, si turpè existimas, te advocato, illum ipsum, quem contrà veneficis, causâ cadere: noli tam esse injustus, ut, cùm tui fontes vel inimicis tuis pateant, nostris rivis etiam amicis putas clausos esse oportere. Etenim si me tua familiaritas ab hac causa removisset, et si hoc idem Q. Hortensio, M. Crasso, clarissimis viris, si item cacteris, à quibus intelligo tuam gratiam magni aestimari, accidisset: in ea civitate consul designatus defensorem non haberet, in qua nemini unquam infimo maiores nostri patronum esse voluerunt. Ego verò, judices, ipse me existimarem nefarium, si amico; crudelem, si misero; superbum, si consuli defuisse.—Quare, quod dandum est amicitiae, largè dabitur à me; ut tecum agam, Servi, non secus, ac si meus esses frater, qui mihi est carissimus, isto in loco: quod tribuendum est officio, fidei, religioni, id ita moderabor, ut meminerim me contra amici studium, pro amici periculo dicere.

V. Intelligo, judices, tres totius accusationis partes fuisse, et earum unam in reprehensione vitae, alteram in contentione dignitatis, tertiam in criminibus ambitū esse versatam. Atque harum trium partium prima illa, quae gravissima esse debebat, ita fuit infirma et levis, ut illos lex magis quaedam accusatoria, quam

and cruelty, if, in so dangerous an impeachment, I had refused to undertake the defence of a man, equally distinguished by his own virtues, and the honours conferred on him by the Roman people. For I am not now at liberty to refuse my assistance in relieving the distresses of mankind: because, having been rewarded for my industry beyond any one that ever went before me, to desist from the toils to which I owe that reward, after obtaining the reward itself, would argue a crafty and ungrateful spirit. Was it indeed allowable for me to repose, could I do it by your advice, without incurring the charge of indolence, the reproach of pride, and the stain of inhumanity, there is no course I would more joyfully embrace. But if repugnance to labour argues supineness; a refusal of the suppliant, pride; and a neglect of friends, ingratitude; this surely is a cause of such a nature, as no man, possessed of industry, compassion, or a sense of duty, can refuse to undertake. Nay, it will be easy for you, Sulpicius, from the consideration of your own practice, to conjecture how I ought to behave in the present case. For if you look upon yourself as bound to give your opinion, even to the adversaries of your friends, when they consult you upon a point of law; and if you think it a dishonour, in such a case, for the very person against whom you appear, to lose his cause; be not so unreasonable as to think, that while the rich springs of your advice are open to your very enemies, the small rivulets of my ability should be shut even to my friends. For if my friendship for you had determined me against undertaking this cause, and if the illustrious Q. Hortensius and M. Crassus, with others, who I understand set the greatest value upon your esteem, had declined it for the same reason, a consulect would have been without a defender, in a city where our ancestors never suffered even the meanest of the people to want a patron. For my own part, my lords, I could not forbear accusing myself of perfidy towards a friend, cruelty towards the unfortunate, and arrogance towards a consul, should I be wanting to Murena on this occasion. All that is due to friendship I will most liberally pay, in treating you, Servius, with the same deference and regard, as if my brother himself, who is so dear to me, was acting in your place. What duty, honour and obligation require of me, shall be conducted in such a manner, as to shew me mindful that I am defending the life of one friend, against the resentment of another.

SECT. V. I understand, my lords, that the whole accusation consists of three heads; the scandal of Murena's life; the want of dignity in his character and family; and bribery in the late election. As to those three charges; the first, which should have been the most weighty, was so weak and trifling, that the common forms of accusation, rather than any real ground of censure.

vera maledicendi facultas de vita L. Murenae dicere aliquid coegerit. Objecta est enim Asia, quae ab hoc non ad voluptatem et luxuriam expedita est, sed in militari labore peragrata; qui si adolescens, (6) patre suo imperatore, non meruisset; aut hostem, aut patris imperium timuisse, aut à parente repudiatus videretur; an, cum sedere in equis triumphantium, (7) praetextati potissimum filii soleant, huic domis militaribus patris triumphum decorare fugiendum fuit, ut rebus communiter gestis penè simul cum patre triumpharet? Hic verò, judices, et fuit in Asia, et viro fortissimo, parenti suo, magno adjumento in periculis, solatio in laboribus, gratulationi in victoria fuit. Et si habet Asia suspicionem luxuriae quandam, non Asiam nunquam vidisse, sed in Asia continentè vixisse, laudandum est. Quamobrem non Asiae nomen objiciendum Murenae fuit, ex qua laus familiae, memoria generi, honos et gloria nomini constituta est: sed aliquod, aut in Asia susceptum, aut ex Asia deportatum flagitium ac dedecus. Meruisse verò stipendia in eo bello, quod tum populus Romanus non modò maximum, sed etiam solum gerebat, virtutis: patre imperatore libentissimè meruisse, pietatis: fidem stipendiiorum patris victoriam ac triumphum fuisse, felicitatis fuit. Maledicto quidem idecirò nihil in hisce rebus loci est, quòd omnia laus occupavit.

VI. Saltatorem appellat L. Murenam Cato. Maledictum est, si verè objicitur, vehementis accusatoris: sin falsò, maledici conciicatoris. Quare, cum istâ sis auctoritate, non debes, M. Cato, arripere maledictum ex trivio, aut ex scurrarum aliquo convicio, (8) neque temerè consulem populi Romani saltatorem vocare: sed conspicere, quibus praeterea vitiis affectum esse necesse sit eum,

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(6) *Patre suo imperatore, non meruisset.*] Asia was a country so delicious, that one who had been long in it, was apt to incur the suspicion of luxury. Cicero, with great address, clears Murena of this charge, and observes, that though he went very early into Asia, yet it was not from prepossession or inclination, but in obedience to the commands of a parent. For L. Murena, the father of him whom Cicero here defends, was lieutenant to Sylla in Asia, in the Mithridatic war; and when Sylla, after the peace, returned to Italy; to quiet the commotions that had arisen there during his absence, he left this Murena, with two legions, to secure the tranquillity of Asia, and to oblige Mithridates to make good his engagements.

(7) *Praetextati potissimum filii.*] Among the Romans, their generals who entered the city in triumph, were allow-

ed to have their children and relations of both sexes, who were under age, along with them in the chariot; and if they were pretty well grown for their age, they rode upon the triumphal horses: if there was a greater number of them than could be conveniently accommodated either of those ways, then they were suffered to ride behind the chariot, upon single horses.

(8) *Neque temerè consulem populi Romani saltatorem vocare.*] Cicero's defence here is somewhat remarkable, and seems manifestly to imply, that dancing was in the highest degree disreputable among the Romans. It appears, indeed, from the preface to Cornelius Nepos, that though this accomplishment was held in great estimation among the Greeks, yet the Romans made very little account of it. We are not, however, from this to imagine, that they absolutely condemned

seem to have compelled the prosecutors to touch upon Murena's life. They tell us he has been in Asia, a country which he visited not for the purposes of pleasure and luxury, but traversed in a course of military toils. If in his youth he had neglected to serve under his father, whose lot it was to command in those parts, might it not have been presumed that he either dreaded the enemy, or his father's discipline, or that his father had rejected him as unfit for the duties of war? Does custom allow sons, even before they take the robe of manhood, to sit with the general in his triumphal car? and was Murena to decline adorning his father's triumph with military trophies, that, by sharing with him in his exploits, he might be entitled likewise to partake of his honours? Yes, my lords, Murena was in Asia, and bore a considerable part in encountering the dangers, relieving the fatigues, and congratulating the victories of his gallant father. And if Asia lies under any imputation of luxury, there can be no glory in having never seen it, but in living temperately in it. Therefore, the name of Asia ought not to have been objected to Murena, since thence the glory of his family, the fame of his race, and the renown and lustre of his own character, are derived: but his accusers should have charged him with some disgrace and blemish of life, either contracted in Asia, or imported from it. For to have served in the greatest, and at the time the only war in which the people of Rome were engaged, to have served with cheerfulness in an army which his father commanded, and to see his services terminate in the victory and triumph of his father, are proofs of his courage, his piety, and his good fortune. Malice can fasten no censure upon these transactions, seeing they have all an undoubted claim to praise.

SECT. VI. Cato calls L. Murena a dancer. If this reproach be well grounded, it is a weighty accusation; but if false, it is an outrageous calumny. Wherefore, M. Cato, as your authority carries so much influence with it, you ought never to snatch a charge from the mouths of the rabble, or the slanderous language of buffoons: nor ought you rashly to call the consul of the Roman people a dancer; but to consider how many other crimes a man must needs be guilty of, before that of dancing can

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all manner of dancing; for there were several sorts of dances which they thought contributed both to the gracefulness and activity of body, and rendered men more expert in handling their arms, and performing all the exercises of war. I am therefore inclined to subscribe to Olivet's opinion, who thinks that not dancing itself, but the excess of it, is here con-

demned. His words are: *An ergo sal-
"tare in vitio erat? Non magis quam ae-
"dificare, loqui. Vituperationem nihil
"minus continent aedificator, locutor:
"quoniam in his, atque ejus generis no-
"minibus altis, implicata est notio im-
"moderationis, quae vitio nunquam ca-
"ret."*

qui verè istud objici possit. Nemo enim ferè saltat sobrius, nisi fortè insanit; neque in solitudine, neque in convivio moderato atque honesto. (9) Tempestivi convivii, amoeni loci, multarum deliciarum comes est extrema, saltatio. Tu mihi arripis id, quod necesse est omnium vitiorum esse postremum: relinquis illa, quibus remotis, hoc vitium omnino esse non potest; nullum turpe convivium, non amor, non commissatio, non libido, non sumptus ostenditur. Et, cùm ea non reperiantur, quae voluptatis nomen habent, quaeque vitiosā sunt; in quo ipsam luxuriam reperire non potes, in eo te umbram luxuriaē reperturum putas? Nihil igitur in vitam L. Murenae dici potest? nihil, inquam, omnino, judices; sic à me consul designatus defenditur, ut ejus nulla fraus, nulla avaritia, nulla perfidia, nulla crudelitas, nullum petulans dictum in vita proferatur. Benè habet: jacta sunt fundamenta defensionis; nondum enim nostris laudibus, quibus utar posteā, sed propè inimicorum confessione, virum bonum, atque integrum hominem defendimus.

VII. Quo constituto facilior est mihi aditus ad contentionem dignitatis; quae pars altera fuit accusationis. Summam video esse in te, Ser. Sulpici, dignitatem generis, integritatis, industriae, tacterorumque ornamentorum omnium, quibus fretum ad consulatū petitionem aggredi par est; paria cognosco esse ista in L. Murena, atque ita paria, ut neque ipse dignitate vinci potuerit, neque te dignitate superārit. Contempsisti L. Murenae genus; extulisti tuum. Quo lcco si tibi hoc sumis, nisi qui patricius sit, neminem bono esse genere natum; facis ut rursus plebs in Aventinum sevocanda esse videatur. Sin autem sunt ampliae et honestae familiae plebeiae; et proavus L. Murenae et avus praetores fuerunt; et pater, cùm amplissimè atque honestissimè ex praetura triumphasset, hoc faciliorem huic gradum consulatū adipiscendi reliquit, quòd is jam patri debitus, à filio petebatur. Tua verò nobilitas, Ser. Sulpici, tametsi summa est, tamen hominibus literatis et historicis est notior, populo verò, et suffragatoribus obscurior. Pater enim fuit equestri loco, avus nullā illustri laude celebratus: itaque non ex sermone hominum recenti, sed ex annualium vetustate eruenda est memoria nobilitatis tuae. Quare ego te semper in nostrum numerum aggregare soleo, quòd virtute, industriāque perfecisti, ut cùm equitis Rom:

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(9) *Tempestivi convivii.*] Some commentators want to read *intempestivi convivii*; but Salmasius has abundantly shewn that no such expression was in use among the Romans. *Tempestiva convivia* were those entertainments that began before

the usual time for supper among the Romans. Such was that of Marius, taken notice of by Juvenal:

Exul ab octava Marius bibit.
These early entertainments were accounted scandalous among the Romans;

be truly objected to him. For nobody ever dances, even in solitude, or a private meeting of friends, who is not either drunk or mad. Dancing is always the last act of riotous banquets, gay places, and much jollity. You hastily catch at a charge, which must necessarily be the result of all other vices, and yet object to him none of those excesses, without which that vice cannot possibly exist; no scandalous feasts, no amours, no nightly revels, no lewdness, no extravagant expence. And if no blemishes of this kind, which, however they may pass under the name of pleasures, are in reality vices, appear in his character, do you expect to find the shadow of luxury in a man, upon whom you cannot fasten the imputation of luxury itself. Can nothing then be objected to the morals of Murena? Nothing at all, my lords. The consul-elect, whose cause I now defend, can be charged with no fraud, no avarice, no perfidy, no cruelty, no petulance nor indecency of expression. So far is well: you see here the foundation of my defence; for I have not yet displayed, as I shall afterwards do, almost by the confession of his enemies, the praise that belongs to him as a virtuous and worthy man.

SECT. VII. Having settled this point, it will be the easier for me to enter upon the dispute relating to dignity, which was the second part of the charge. I very well know, Servilius Sulpicius, that you are possessed of that eminent dignity of birth, probity, industry, and all other accomplishments, which give you an undisputed title to aspire to the consulship. I know too, that Murena is your equal in those points; and so truly your equal, that neither do you surpass him in dignity, nor has he the advantage of surpassing you. You affect, indeed, to depreciate the family of Murena, and exalt your own. In this case, if you assume it as a principle that none but a patrician is of an honourable race, you seem again to common the commons of Rome to the Aventine mount. But there are noble and illustrious families of plebeian rank, when Murena's great-grandfather and grandfather were both praetors, and his father having from the same dignity obtained the honour of a splendid triumph, the accession to the consulship became in this the more easy to the son, that he only demanded for himself what was before due to his father. As to your nobility, Servius Sulpicius, though it be indeed of the most distinguished kind, yet is it better known to antiquaries and historians, than to the people and voters at public assemblies. For your father never rose higher than the equestrian rank, nor was your grandfather illustrious by any of the principal offices of the state; so that the nobility of your race appears not from the present discourses of men, but must be searched for in the rubbish of old annals. I have therefore always reckoned you in the same class with myself, because, though but the son of a

esses filius, summâ tamen amplitudine dignus putarere: nec mihi unquam minus in Q. Pompeio novo homine et fortissimo viro, virtutis esse visum est, quâm (10) in homine nobilissimo M. Æmilio. Etenim ejusdem animi atque ingenii est, posteris suis, quod Pompeius fecit, amplitudinem nominis, quam non acceperit, tradere; et, ut Scaurus, memoriā propè intermortuam generis sui, virtute renovare.

VIII. Quanquam ego jam putabam, judices, multis viris fortibus ne ignobilitas objiceretur generis, meo labore esse perfectum: qui non modò Curiiis, Catonibus, Pompeiis, antiquis illis, fortissimis viris, (11) novis hominibus, sed his recentibus, Mariis et Didiis et Caeliis commemorandis jacebant. Cùm ego verò tanto intervallo claustra ista nobilitatis refregissem, ut aditus ad consulatum posthac, sicut apud maiores nostros fuit, non magis nobilitati, quâm virtuti, pateret: non arbitrabar, cùm ex familia vetere et illustri consul designatus ab equitis Romani filio, consule, defenderetur, de generis novitate accusatores esse dicturos. Etenim mihi ipsi accidit, ut cum duobus patriciis, altero improbissimo atque audacissimo, altero modestissimo atque optimo viro peterem: superavi tamen dignitate Catilinam, gratiâ Galbam. Quòd si id crimen homini novo esse deberet, profectò mihi neque inimici, neque invidi defuisse. Omittamus igitur de genere dicere, cuius est magna in utroque dignitas: videamus caetera. Quaesturam unâ petiit, et sum ego factus prior; non est respondendum ad omnia; neque enim quemquam vestrûm fugit, cùm multi pares dignitate fiant, unus autem primùm solus possit obtinere, non eundem esse ordinem dignitatis et renuntiationis; propterea quòd renuntiatio gradus habeat, dignitas autem sit persaepe cadem omnium. Sed quaestura utriusque propemodum

NOTE

(10) *In homine nobilissimo M. Æmilio.*] M. Æmilius Scaurus was of an ancient family, which yet for several ages had made no figure in the commonwealth, insomuch that he was very justly looked upon as the architect of his own grandeur and fortune. Asconius speaking of him, says, "Scaurus ita fuit patricius, ut tribus supra eum aetatisibus jacuerit domus ejus fortuna. Nam neque pater, neque avus, neque etiam proavus, ut puto, propter tenues opes, et nullam vitae industriam, honores adepti sunt. Itaque Scauro æque ac novo homini laborandum fuit." Cicero, in his oration for Deiotarus, calls Scaurus the first man in the state.

(11) *Novis hominibus.*] As this expression occurs frequently in Cicero's ora-

tions, it may not be amiss to give the following explication of it from Terratius: "Hic quaerendum est, quinam Romae dicerentur novi homines; res enim non satis per se perspicua videtur. An ii, qui primum in familiam suam consulatum attulissent? Nequaquam: Nam L. Murena, qui, ut infra habetur, primus in familiam veterem, primus in municipium antiquissimum, consulatum attulerat, nusquam homo novus dictatur, cum illius pater et avus praetores fuissent. An ii, qui primi ex sua gente adepti essent magistratum? Multo minùs: nam infinitum prope illorum numerum extitisse puto, quorum neminem appellatum fuisse novum hominem legimus. Quapropter, quod ad consularem dignitatem pervenissent, ex

Roman knight, you have yet, by your industry and virtue, opened your way to the highest honours of your country. Nor did I ever think the merit of the brave Quintus Pompeius, though but a new man, inferior to that of the noble Marcus Æmilius. For it argues no less magnanimity and spirit in Pompeius, to transmit to his descendants a lustre which he received not, than it does in Scaurus, to have renewed by his virtue the almost extinct glory of his race.

SECT. VIII. I had indeed flattered myself, my lords, that in consequence of my toils, obscurity of birth would no longer be an objection to many brave men, who were not only on the same footing with the Curius's, the Cato's, the Pompeius's, all old Romans, of distinguished courage, and plebeian rank; but with those too of later date, the Marius's, the Didius's, and the Cælius's. For when, after such a distance of time, I had broken through that barricade of nobility, and, as in the days of our ancestors, laid the consulship open to the virtuous as well as to the noble; and when a consul-elect, of an ancient and illustrious descent, was defended by a consul, the son of a Roman knight, I never imagined that the accusers would venture to say a word about the novelty of a family. For I myself had two patrician competitors, the one a profligate and audacious, the other an excellent and modest man: yet I outdid Catiline in dignity, and Galba in interest. And had success been a crime in a new man, I wanted not enemies and enviers to object it to me. Let us leave then this subject of their birth, in which both are eminent, and let us proceed to the other points. He stood with me, says Sulpicius, for the quaestorship, and I was first declared. There is no need of answering to every particular. All of you know, that when many of equal dignity are elected into the same office, and only one can obtain the honour of the first nomination, the degree of dignity can be no rule for that of the declaration. For the order of nomination is successive, whereas the parties oftentimes are of equal rank. But the quaestorship allotted to each was almost of equal importance. Murena had a

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“ illis orti familiis, ex quibus anteā neno
“ vel magistratum gesserat, vel fuerat
“ senator; eos demū novos homines
“ dicebant. Tales fuere quicumque a
“ Cicerone hīc recensentur, quorum ma-
“ jores ex plebe, aut ex ordine equestri.
“ Sribit Asconius in comment. ad orat.
“ contra competitor. Sex competitores
“ in consulatu petitione Cicero habuit,
“ duos patricios, P. Sulpicium Galbam,
“ L. Sergium Catilinam; quatuor ple-
“ beios, ex quibus duos nobiles C. Anto-
“ niū, et L. Cassium Longinū; (di-

“ cuntur nobiles, quōd ex illorum majori-
“ bus nonnulli consules fuerant.) duos,
“ qui tantum non primi ex familiis suis
“ magistratum adepti erant, Q. Cornifi-
“ cium, et C. Licinium sacerdotum: (hi
“ neque nobiles erant, nullo gesto a ma-
“ joribus consulatu, neque novi homines,
“ quorum patres aut avi aliquem magis-
“ tratum ceperant.) solus Cicero ex com-
“ petitoribus equestri erat loquo natus;
“ adeoque consulatum adeptus, non ta-
“ men ante consulatum novus homo.”

pari momento sortis fuit; habuit hic (12) lege Titiā provinciam tacitam et quietam: tu illam, cui, cūm quaestores sortiuntur, etiam acclamari solet, Ostiensem, non tam gratiosam et illustrem, quām negotiosam et molestam; consedit utriusque nomen in quaestura; nullum enim vobis sors campum dedit, in quo exercitare virtus, cognoscique posset.

IX. Reliqui temporis spatium, quod in contentionem vocatur, ab utroque dissimillimā ratione tractatum est. Servius hīc nobiscum hanc urbanam militiam respondendi, scribendi, cavendi, plenam solitudinis ac stomachi, secutus est: jus civile didicit multum vigilavit: laboravit: praestò multis fuit: multorum stultitiam perpessus est arrogantiam pertulit: difficultatem exsorbituit: vixit ad aliorum arbitrium, non ad suum. Magna laus, et grata hominibus, unum hominem elaborare in eā scientiā, quae sit multis profutura. Quid Murena interea? fortissimo et sapientissimo viro, summo imperatori legatus L. Lucullo fuit: qua legatione duxit exercitum, signa contulit, manum conseruit, magnas copias hostium fudit, urbes partim vi, partim obsidione cepit: Asiam istam refertam, et eandem delicatam sic obiit, ut in ea neque avaritiae, neque luxuria vestigium reliquerit: maximo in bello sic est versatus, ut hic multas res et magnas sine imperatore gesserit, nullam sine hoc imperator. Atque haec, quamquam præsente L. Lucullo loquar, tamen ne ab ipso propter periculum nostrum concessam videamus habere licentiam fingendi, publicis literis testata sunt omnia: quibus L. Lucullus tantum laudis impertit, quantum neque ambitiosus imperator, neque invidus, tribuere alteri in communicandā gloriā debuit. Summa in utroque est honestas, summa dignitas: quam ego, si mihi per Servium liceat, pari atque eādem in laude ponam: sed non licet; agitat rem militarem: insectatur totam hanc legationem: assiduitatis, et operarum harum quotidianarum putat esse consulandum. Apud exercitum mihi fueris, inquit, tot annos? forum non attigeris? absfueris tamdiu? et, cūm longo intervallo veneris, cum iis, qui in foro habitārunt de dignitate contendas? Primū ista nostra assiduitas, servi, nescis quantum interdum afferat hominibus fastidii, quantum satietatis; mihi quidem vehementer expediit, positam in oculis esse gratiam: sed tamen ego mei satie-

NOTES.

(12) *Lege Titiā provinciam tacitam.*] Pighius, in his Annals of the Roman Commonwealth, upon the year four hundred and eighty-eight, gives it as his opinion, that C. Titius, a tribune of the people, passed that year a law for doubling the number of quaestors, and assigned them their provinces by lot. This, he tells us, is the very law which Cicero, in his oration for Murena, distinguishes by the name of the *Titian law*. Though

this can be called no more than conjecture, yet it must be allowed far the most probable of any that has hitherto been offered for the clearing of this passage. The province has here the epithet of *tacita* given it, because, being one of the four Italic provinces, it was remote from the tumults of war, and gave no opportunities for the exertion of military talents.

province easy and quieted by the Titian law. Ostia fell to your share, which, in the allotment of provinces, is generally hollowed at by the people, as being attended with more business and fatigue, than power and honour. Neither of you gained any reputation in this office, because fortune had given you no field wherein to display and make known your virtues.

SECR. IX. Your conduct since, comes now to be examined, which differs according to your different course of life. Servius embarked with me in the city warfare of giving opinions, pleading causes, and drawing contracts; a business full of perplexity and vexation. He applied to the civil law, watched much, laboured without intermission, was always ready with his advice, bore the impertinence of many, winked at their arrogance, solved all their doubts, and lived to please others, not himself. Great is the praise, and greatly acceptable to mankind, when one man labours in a science by which multitudes are to profit. But how was Murena employed in the mean while? He served as a lieutenant-general to that great commander, the wise and accomplished L. Lucullus, in which capacity he headed an army, drew up his men, joined battle, defeated the numerous troops of the enemy, and, partly by siege, partly by assault, took a great many of their towns. He traversed the rich and voluptuous country of Asia, so as to leave no traces behind him, either of avarice or luxury, and behaved in that great war in such a manner as to perform many and important services without his general, while his general did nothing considerable without him. But though I speak in the presence of Lucullus, yet, lest it should be imagined, that, in consideration of our present danger, he gives me leave to exaggerate matters as I please, I appeal to the public letters sent to the senate, in which Lucullus ascribes more praise to Murena, than any general, biassed either by envy or ambition, would allow to another in a communication of fame. Both competitors are men of distinguished probity and rank; and, would Servius give me leave, I would place the merits of both upon a level in point of praise: but he will not. He depreciates the military art; he inveighs against Murena's lieutenancy; and considers the consulship as due only to the assiduities of the bar, and the tedious exercise of our daily pleadings. Have you lived, says he, so many years in a camp, without so much as seeing the forum? Have you been absent so long? And now, that you are at length returned, do you pretend to enter into a competition of dignity with men, to whom the forum has been a place of habitation? But let me tell you, Servius, you seem not here to consider, how much satiety and disgust this constant appearance of ours sometimes creates among men. It proved indeed of un-

tatem magno meo labore superavi; et tu idem fortasse: verum tamen utrius nostrum desiderium nihil obfuisset. Sed ut, hoc omissio, ad studiorum atque artium contentionem revertamur: qui potest dubitari quin ad consulatum adipiscendum multò plus afferat dignitatis, rei militaris, quam juris civilis gloria? Vigilas tu de nocte, ut tuis consultoribus respondeas; ille, ut, quod intendit, mature cum exercitu perveniat; te gallorum, illum buccinarum cantus exsuscitat; tu actionem instituis, ille aciem instruit; tu caves ne tui consultores, ille ne urbes aut castra capiantur. Ille tenet, et scit, ut hostium copiae; tu, ut aquae pluviae arceantur: ille exercitatus est in propagandis finibus; tu in regendis. Ac nimis (dicendum est enim quod sentio) rei militaris virtus praestat caeteris omnibus.

X. Haec nomen populo Romano, haec huic urbi aeternam gloriam peperit: haec orbem terrarum parere huic imperio coegerit. Omnes urbanae res, omnia nostra praeclera studia, et haec forensis laus, et industria, latent in tutela ac praesidio bellicae virtutis; simulatque increpuit suspicio tumultus, artes illicet nostrae conticescunt. Et, quoniam mihi videris istam scientiam juris tanquam filiolam osculari tuam, non patiar te in tanto errore versari, ut istud nescio quid, quod tantopere didicisti, praeclarum aliquid esse arbitrere. Aliis ego te virtutibus, continentiae, gravitatis, justitiae, fidei, caeteris omnibus, consulatu et omni honore semper dignissimum judicavi. Quod quidem jus civile didicisti; non dicam, operam perdidisti: sed illud dicam, nullam esse in illa disciplina munitam ad consulatum viam; omnes enim artes, quae nobis populi Romani studia conciliant, et admirabilem dignitatem, et pergratam utilitatem debent habere.

XI. Summa dignitas est in iis, qui militari laude antecellunt; omnia enim, quae sunt in imperio et in statu civitatis, ab iis defendi et firmari putantur: summa etiam utilitas; siquidem eorum consilio, et periculo, cum republica, tum etiam nostris rebus per-

speakable advantage to me, that my services were constantly in the eye of the public; yet was it not without great application, that I conquered the disgust arising from my daily appearance. You perhaps have done the same: yet still I am apt to think, that a little absence would have been no disservice to either of us. But, dropping this, let us return to the comparison of their talents and professions. Can it be a doubt with any one, whether the science of arms gives not more dignity to a candidate for the consulship, than skill in the civil law? You watch all night long, to have an answer ready for those that come to consult you; and he, that he may arrive betimes at the appointed place with his army. You are awaked by the crowing of the cock; he by the sound of trumpets. You draw up a process; he marshalls an army. You provide against the dangers of your clients; he against those that threaten his towns or camp. He knows how to oppose and baffle the attempts of his enemies; you can guard against the inconveniences of storms and rains. He is employed in enlarging the bounds of the state; you in regulating the civil administration. In short, to speak my sentiments freely, the glory of military accomplishments takes place of every other claim to merit.

SECT. X. This was what first gave a name to the Roman people, brought immortal renown to their city, and subdued the world to their empire. All domestic possessions, all these noble studies of ours, all our reputation and assiduity at the bar, derive their protection and security from martial virtue alone. The least whisper of any public tumult, puts all those arts of ours immediately to silence. And because you seem to caress this science of the civil law, as a fond parent does a darling child, I will not suffer you to continue any longer in so great a mistake, as to imagine, that this I can't tell what study, which you have mastered with so much toil, is entitled to any eminent share of praise. It was from virtues of another stamp, those of moderation, prudence, justice, integrity, and every other desirable quality, that I always judged you most worthy of the consulship, and every distinction of honour. As to your ability in the civil law, I will not say it is lost labour; but this I will say, that it offers no certain prospect of the consulship; for all the arts that serve to conciliate the affections of the Roman people, ought to be eminent for their dignity, and recommending by their utility.

SECT. XI. The men who excel in military accomplishments, are possessed of the highest dignity. For what is great in the empire and commonwealth, confessedly owes its establishment and continuance to them. Nor are they less eminent for their utility;

frui possumus: gravis etiam illa est et plena dignitatis dicendi facultas, quae saepe valuit in consule diligendo; posse consilio atque oratione, et senatus, et populi, et eorum qui res judicant, mentes permovere. Quaeritur consul, qui dicendo nonnunquam comprimat tribunitios furores, qui concitatum populum flectat, qui largitioni resistat. Non mirum, si ob hanc facultatem homines saepe etiam non nobiles consulatum consecuti sunt: praesertim cum haec eadem res plurimas gratias, firmissimas amicitias, maxima studia pariat: quorum in isto vestro artificio, Sulpici, nihil est. Primùm dignitas in tam tenui scientia, quae potest esse? Res enim sunt parvae, propè in singulis literis atque interpunktionibus verborum occupatae. Deinde etiam, si quid apud majores nostros fuit in isto studio admirationis, id, enunciatis vestris mysteriis, totum est contemptum et abjectum. Posset agi lege, neene, pauci quondam sciebant: fastos enim vulgo non habebant: erant in magna potentia, qui consulebantur: à quibus etiam dies tanquam à Chaldaeis petebantur: (13) inventus est scriba quidam Cn. Flavius, qui cornicum oculos confixerit, et singulis diebus ediscendos fastos populo proposuerit, et ab ipsis cautis jurisconsultis eorum sapientiam compilârit. Itaque irati illi, quod sunt veriti, ne, dierum ratione pervulgatâ et cognitâ, sine sua opera lege posset agi, notas quasdam composuerunt, ut omnibus in rebus ipsi interessent.

XII. Cum hoc fieri bellissimè posset: Fundus Sabinus meus est: imo meus: deinde judicium: noluerunt. FUNDUS, inquit, QUI EST IN AGRO QUI SABINUS VOCATUR. Satis verbosè: cedo, quid postea? EUM EGO EX JURE QUIR. MEUM ESSE AIO. Quid tum? INDE IBI EGO TE EX JURE MANU CONSERVTUM VOCO. Quid

NOTES.

(13) *Inventus est scriba quidam Cn. Flavius, qui cornicum oculos.*] This whole story may be learnt from Pomponius's Enchiridion, whose words are still extant in the book of Pandects, where they treat of the origin of the civil law, I shall here transcribe what relates to the present passage, for the sake of such as are unacquainted with this piece of history: "Deinde," says he, "ex his legibus eodem fere tempore, actiones compositae sunt, quibus inter se homines disceptarent; quas actiones, ne populus, ut vellet, institueret, certas solemnnesque esse voluerunt: et appellabatur haec pars juris, legis actiones. Et ita eodem tempore, tria haec jura nata sunt; leges duodecim tabularum: ex his fluere coepit jus civile: ex iisdem legis actiones compositae sunt. Omnia tantum harum et interpretandi scientia,

"et actiones, apud collegium pontificum erat, ex quibus constituebatur, quis quoque anno praeesset privatis: et populus prope centum annos hac consuetudine usus est. Postea, cum Appius Claudius disposuisset, et ad formam redigisset has actiones, Cn. Flavius, scriba ejus, libertini filius, surreptum librum populo tradidit: et adeo gratum id munus populo fuit, ut tribunus plebis fieret, et senator, et aedilis curulis. Hinc liber, qui actiones continet, appellatur jus civile Flavianum." Then almost at the same time actions or forms were composed out of those laws, by which men disputed with one another; which actions, lest the people should appoint them when they pleased, were reduced to stated and solemn terms; and this part of the law was called *legis actiones*, the forms of the law. Thus, al-

since it is by their counsels and dangers, that we are protected in the possession of public liberty, and private property. Eloquence too has its claim to merit and praise; and is often of powerful influence in the choice of a consul, by its address and language to touch the affections of the senate, the people, and the judges. The public requires a consul, who can upon occasions repress the violence of tribunes, appease the fury of the people, and check the current of corruption. No wonder, then, if this talent has often raised men, even of ignoble birth, to the consulship; especially as it is so admirably calculated to beget the strongest attachments, the most universal good-will, and the firmest friendships; advantages, Sulpicius, of which that art you so much va-
lue is entirely destitute. For, first, what dignity can there be in so trifling a science? the subjects themselves are minute, almost wholly confined to single letters, and the stops of sentences: and then, whatever admiration might have attended this study with our forefathers, now that the whole mystery is divulged, it is fallen into utter disgrace and contempt. But few were able to tell formerly, whether an action could be brought or not; for in those days there was no public calendar. The persons consulted were in mighty esteem, and resorted to, as the Chaldeans of old, to give notice of the days on which actions were allowed. At last a scribe, one Cn. Flavius, outwitted this tribe of conjurors; set up a calendar with the proper distinction of days; and pillaged the very lawyers themselves of their knowledge. They, in great wrath, and fearing that actions might be brought without them, now the proper court days could be known, set themselves to contrive certain forms of proceeding, to render their intervention necessary in all causes.

SECT. XII. Though it would answer very well in determining a claim: *That Sabine farm is mine: nay, 'tis mine: after which give judgment: yet this the lawyer will by no means allow. The farm, says he, which lies in the Sabine country, commonly so called.* Verbose enough. But what next? *I claim by the laws of the land as my property. Go on: And, therefore, I now give you legal warning to quit possession.* The defendant, meanwhile, has no-

NOTES.

most at one time, these three kinds of laws sprang up: the laws of the twelve tables; from them proceeded the civil law; and from the civil law, the *legis actiones*. But the knowledge of all these, with the actions themselves, was confined to the pontifical college, out of which the judges of private property were every year appointed, and the people went by this usage for near a hundred years. After-

wards, when Appius Claudius had digested and modelled these actions, Cn. Flavins, his scribe, the son of a freed man, stole the book and published it for general use. This present was so agreeable to the people, that he was made tribune of the commons, senator, and curule aedile. Thence the book containing those forms, is called the Flavian civil law.

huic tam loquaciter litigioso responderet ille, unde petebatur, non habebat. Transit idem jurisconsultus tibicinis Latini modo; UNDE TU ME, inquit, EX JURE MANU CONSERTUM VOCAS-TI, INDE IBI EGO TE REVOCO. Praetor interea, ne pulchrum se ac beatum putaret, atque aliquid ipse sua sponte loqueretur, ei quoque carmen compositum est, cùm caeteris rebus absurdum, tum verò nulli usui: UTRISQUE SUPERSTITIBUS, PRAESENTIBUS, ISTAM VIAM DICO: INITE VIAM; praestò aderat sapiens ille, qui inire viam doceret: RFDITE VIAM; eodem duce redibant. Haec jam tum apud illos barbatos ridicula, credo, videbantur: homines, cùm rectè atque in loco constitissent, juberi abire, ut, unde abissent, eódem statim redirent. Iisdem ineptiis suata sunt illa omnia, QUANDO TE IN JURE CONSPICIO; et haec, SED ANNE TU DICIS CAUSA VINDICAVERIS? quae dum erant occulta, necessariò ab eis, qui ea tenebant, petebantur: pos-tea verò pervulgata, atque in manibus jactata et excussa, inanissima prudentiae reperta sunt, fraudis autem et stultitiae plenissima. Nam cùm permulta praeclarè legibus essent constituta, ea jurisconsultorum ingenii pleraque corrupta ac depravata sunt. Mulieres omnes propter infirmitatem consilii majores in tutorum potestate esse voluerunt: hi invenerunt genera tutorum, quae potestate mulierum continerentur. Sacra interire illi noluerunt: horum ingenio senes ad coëmptiones faciendas, interimendorum sacrorum causâ, reperti sunt. In omni denique jure civili aequitatem reliquerunt, verba ipsa tenuerunt: ut, quia in alicujus libris, exempli causâ, id nomen invenerant, putârunt omnes mulieres, (14) quae coëmptionem facerent, CAIAS vocari. Jam illud mihi quidem mirum videri solet, tot homines, tam ingeniosos, per tot annos etiam nunc statuere non potuisse, utrùm DIEM TER-TIUM, an PERENDINUM; JUDICEM an ARBITRUM; REM an LITEM dici oporteret.

XIII. Itaque, ut dixi, dignitas in ista scientia consularis nunquam fuit, quae tota ex rebus fictis commentitiisque constaret: gratiae verò multò etiam minus. Quod enim omnibus patet, et aequè promptum est mihi et adversario meo, id esse gratum nullo pacto potest. Itaque non modò beneficii collocandi spem, sed

NOTES.

(14) *Quae coëmptionem facerent.]—* The word *coëmptio*, which Cicero uses in this place, has a very different signification from that which it bare a few lines before. For there it denotes the pretended sale of an estate to some old man, who, in order to elude the rites that were used when a succession devolved upon an heir, was supposed to buy the inherit-

ance, and then invest an imaginary heir with it. But here it expresses the union between the husband and the wife, which was solemnized in three different manners by the Romans, *confarreatio*, *usu*, *coëmptione*; for an explication of which we refer to Hotoman and Brissoni.

thing to answer to this tedious round of law jargon. Then the lawyer, like a flute-player at a comedy, going over to the side of the defendant, frames this reply: *From these premises, whence you gave me legal warning to depart, I now in like manner order you to retire.* Here the praetor, lest he should think himself happy in being at liberty to say something of his own, is obliged to repeat a common-place form, as on other accounts ridiculous, so particularly for this, that it is absolutely devoid of meaning or use. *Let the two parties present, says he, advance this way. Go.* Instantly a sage presents himself to regulate their steps. *Return,* says the praetor: upon which the same master of the ceremonies conducts them back. Even the bearded gentlemen themselves often smile at this farce; to see men ordered to quit a place where they stand quietly and conveniently, that when they have left it, they may immediately return to it again. Every thing was infected with the like impertinencies. *When I see you personally present in court.* And again: *Do you offer to speak, when your pretensions have been over-ruled?* While these forms were kept secret, there was a necessity for having recourse to those to whom they were known; but after they became public, and began to be canvassed and examined, they were found quite void of all meaning, but replete with roguery and folly. For though our laws abound in admirable institutions, yet have the refinements of lawyers perverted every thing. Our ancestors ordained, that women, as being less capable to manage for themselves, should be under the direction of guardians. But lawyers have invented a species of guardians, whose authority is subordinate to that of their wards. Nothing was more earnestly studied by our forefathers, than to perpetuate religious rites; but the ingenuity of these gentlemen has devised a method, in which old men, by a pretended purchase, exempt the heir from the servitude of these ceremonies. In short, they have quitted the study of equity in the law, and attached themselves wholly to terms; insomuch that because the word *Caia* occurs in some of their books, they have concluded that all women concerned in any contract ought to be so named. Nor has it less appeared a matter of wonder to me, that so many ingenious men have not to this day been able to determine whether they ought to say, *the third day, or the day after to-morrow, judge, or arbiter; an action, or a plea.*

SECT. XIII. As I have said, therefore, there can be no consular dignity, and far less any lustre, in a science which rolls entirely upon trivial and empty forms. For what is open to all, and alike serviceable to my adversary and me, can never surely be accounted engaging. You have, therefore, not only lost all hope of being serviceable to others, but the very form of address-

etiam illud quod aliquando fuit, LICET CONSULERE, jam perdistis. Sapiens existimari nemo potest in ea prudentia, quae neque extra Romam usquam, neque Romae, rebus prolatis, quidquam valet; peritus ideo haberi non potest, quod in eo quod sciunt omnes, nullo modo possunt inter se discrepare; difficilis autem res ideo non putatur, quod et perpaucis, et minimè obscuris literis continetur. Itaque, si mihi homini vehementer occupato stomachum moveritis, triduo me jurisconsultum esse profitebor. Etenim quae de scripto aguntur, scripta sunt omnia: neque tamen quidquam tam angustè scriptum est, quo ego non possim, QUA DE RE AGITUR, addere; quae consuluntur autem, minimo periculo respondentur: si id quod oportet, responderis; idem videare respondisse quod Servius: sin aliter; etiam controversum jus nosse, et tractare videare. Quapropter non solùm illa gloria militaris vestris formulis atque actionibus anteponenda est, verùm etiam dicendi consuetudo longè et multùm isti vestrae exercitationi ad honorem antecellet. Itaque mihi vindentur plerique initio multò hoc maluisse: pòst, cùm id assequi non potuissent, istuc potissimum sunt delapsi: ut aiunt in Graecis artificibus, eos auloedos esse, qui citharoedi fieri non potuerint, sic nonnullos videmus, qui oratores evadere non potuerunt; eos ad juris studium devenire. Magnus dicendi labor, magna res, magna dignitas, summa etiam gratia. Etenim à vobis salubritas quaedam, ab iis qui dicunt, salus ipsa petitur. Deinde vestra responsa atque decreta et evertuntur saepe dicendo, et sine defensione oratoris firma esse non possunt. In qua re si satis profecisset, parciùs de ejus laude dicerem: nunc nihil de me dico, sed de iis, qui in dicendo magni sunt, aut fuerunt.

XIV. Duae sunt artes, quae possunt locare homines in amplissimo gradu dignitatis; una imperatoris, altera oratoris boni. Ab hoc enim pacis ornamenta retinentur; ab illo belli pericula repelluntur. Caeterae tamen virtutes ipsae per se multùm valent, justitia, fides, pudor, temperantia, quibus te, Servi, excellere omnes intelligunt: sed nunc de studiis ad honorem dispositis, non de insita cuiusque virtute dispiuto. Omnia ista nobis studia de manibus exutiuntur, simulatque aliquis motus novus bellicum canere coepit. Etenim, ut ait ingeniosus poëta et auctor valdè bonus, praeliis promulgatis, **TOLLITUR E MEDIO** non solùm ista vestra verbosa simulatio prudentiae, sed etiam

ing you for advice, is fallen into disuse. Can any man be accounted wise for his ability in a science, which, without the walls of Rome, is of no manner of use, and, in vacation-time, is useless even in Rome itself? Sure there can be no cunning in a part of knowledge, which is so obvious to all men that it is impossible there should be any dispute about it. Nor was any thing ever accounted difficult, because it was contained in a few, and those very plain words. Nay, if you provoke me, entangled as I am in other affairs, I will yet profess myself a lawyer in three days time. For all the writing-business of this profession is contained in certain forms already reduced to writing: nor are any of these so obscurely worded, as that I shall be at a loss to perceive their meaning. As to the consultive part, nothing is so easy as giving one's opinion: for, if you answer as you ought, even Sulpicius himself could not have done better: but, if otherwise, you will pass for one thoroughly skilled in the controverted points of law. And thus, not only is military glory preferable to your forms and decisions, but even the practice of speaking conduces far more to the attainment of public honours, than does the exercise of your profession. I am therefore of opinion, that the aim of the greater part at first was eloquence; which finding above their reach, they sunk into civilians. For, as we commonly say of Greek artists, that an indifferent harper may make a good piper, so we see some, who are incapable of turning out orators, fall into the profession of lawyers. The practice of speaking is attended with much toil: the study itself is important, full of dignity, and formed to beget popularity. To you men apply for good counsel, but to the orator for preservation and safety. Besides, your answers and decisions often vanish before a good speaker, and can never support themselves without the aid of eloquence: in which, had it been my happiness to make any considerable progress, I should be more sparing in its praises. What I now say is no way applicable to myself, but to those only who are or have been eminent in pleading.

SECT. XIV. There are two arts capable of placing men in the highest degree of dignity; that of a good general, and that of a good orator. The one secures to us all the advantages and ornaments of peace; the other protects us from the terrors and dangers of war. Other virtues, it must be allowed, are not without their share of praise, such as justice, honour, modesty, temperance; virtues in which you, Servius, are universally known to excel. But the dispute at present is about the arts that lead to preferment, not the intrinsic worth of particular persons. All these studies vanish at once from our sight, how soon any new commotion beats the alarm to war. For, as an ingenious poet,

ipsa illa domina rerum SAPIENTIA: VI GERITUR RES. SPERNITUR ORATOR, non solū odiosus in dicendo, ac loquax, verū etiam BONUS: HORRIDUS MILES AMATUR. Vestrum verò studium totum jacet. NON EX JURE MANU CONSERVTUM, SED MAGIS FERRO, inquit, REM REPETUNT. Quod si ita est, cedat, opinor, Sul-pici, forum castris, otium militiae, stilus gladio, umbra soli: sit denique in civitate ea prima res, propter quam ipsa est civitas omnium princeps. Verū haec, Cato, nimium nos nostris verbis magna facere demonstrat, et oblitos esse, bellum illud omne Mi-thridaticum cum mulierculis esse gestum; quod ego longè secus existimo, judices; deque eo pauca disseram; neque enim causa in hoc continetur. Nam si omnia bella, quae cum Graecis gessimus, contemnenda sunt: derideatur (15) de rege Pyrrho triumphus M. Curii: de Philippo, T. Flaminini: de AEtolis, M. Fulvii: de rege Perse, L. Pauli: de Pseudophilippo, Q. Metelli: de Corinthiis, L. Mummi. Sin haec bella gravissima, victoriaeque eorum bellorum gravissimae fuerunt; cur Asiaticae nationes, atque ille à te hostis contemnitur? Atqui ex veterum rerum monumentis, vel maximum bellum populum Roman. cum Antiocho gessisse video: cuius belli victor L. Scipio, partâ cum Publio fratre gloriâ, quam laudem ille, Africâ oppressâ, cognomine ipso prae se ferebat, eandem hic sibi ex Asiae nomine assumpsit. Quo quidem in bello virtus enituit egregia M. Catonis, proavi tui. Quò ille, cùm esset, ut ego mihi statuo, talis, quam le te esse video, nunquam cum Scipione esset profectus, si cum mulierculis bellandum esse arbitraretur. Neque verò cum P.

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(15) *De rege Pyrrho triumphus Curii.*] Cicero is here engaged in the vindication of his client's, valour, which, he observes, was tried in a very formidable war; a war that could not be made light of, without undervaluing some of the most important the Romans were ever engaged in. Of this kind he mentions several: as first the war with Pyrrhus king of Epirus, which happened in the four hundred and third year of the city, when the Tarentines invited him into Italy to defend them against the Romans. After a struggle of five years, he was finally defeated by Curius Dentatus, who was rewarded with the honour of a triumph. Philip, engaging in a league with Hannibal, thereby drew upon himself the resentment of the Romans; who, after the conclusion of the second Punic war, sent T. Flamininus against him, by whom he was defeated, and obliged to sue for peace. For this service Flamininus was honoured with a triumph; as was soon after Fulvius Nobilior, for vanquishing

the AEtolians, and obliging them to submit without reserve to the authority of the commonwealth. Perseus next felt the weight of the Roman power, who was vanquished and taken prisoner by Paulus AEmilius, whose triumph he served to adorn: nor did Andriuscus, who pretended he was the son of Perseus, and as such took possession of Macedonia, long enjoy the fruit of his usurpation, being defeated and taken by Q. Caecilius Metellus, who thereupon obtained a triumph, and the surname of *Macedonicus*. The next war the Romans were engaged in with the Greeks, was that under the conduct of Mummius, who took and sacked Corinth, and triumphed over the Achaeans. So many triumphs granted for victories over the Greeks, sufficiently demonstrated that the Romans considered them as very formidable enemies. But lest this should be thought to regard only the European, and not the Asiatic Greeks, our orator mentions also the wars with these last; whose importance

and author of approved merit, says, “ When war is declared, not “ only the wordy counterfeit of good sense, but wisdom herself, the “ mistress of affairs, quits the field. Violence bears sway: and the “ orator himself, not the tedious and prattling only, but the ap-“ proved and excellent, falls into contempt. The grim soldier “ is caressed; legal proceedings cease; and claims are made good, “ not in the ordinary course of law, but by force of arms.” If this be the case, Sulpicius, in my opinion, the forum must yield to the camp, repose to war, the pen to the sword, and the shade of retirement to the scorching beams of the sun; in fine, that must always have the first rank in a state, to which the state itself is indebted for its superiority over all others. But Cato pretends that I exaggerate too much the military virtues of my friend, and seem to have forgot that the Mithridatic war was little other than a war with women. But I am of a very different opinion, my lords, and must therefore endeavour to set you right in relation to that war, though with all possible brevity, as the stress of my defence rests not here. For if all the wars in which we have been engaged with the Greeks, are to be derided as trifling, what should hinder us from ridiculing the triumph of M. Curius over king Pyrrhus, of F. Flamininus over king Philip, of M. Fulvius over the Ætolians, of L. Paulus over king Perseus, of Q. Metellus over the counterfeit Philip, and of L. Mummius over the Corinthians? But if these were really considerable wars, and the victories that terminated them important, why do you despise the Asiatic nations, and so formidable an enemy as Mithridates? It appears to me, by the records of former times, that the people of Rome had a very dangerous war to maintain against Antiochus, in which L. Scipio, sharing the glory of conquest with his brother Publius, added the same honour to his name by the reduction of Asia, as the other had before done by his victories in Africa. It was in this war that your great-grandfather M. Cato so eminently distinguished himself by his valour. And if, as I am apt to believe, he was a man of a like character with yourself, I shall never be persuaded he would have attended Scipio in that war, had he thought they were to have to do only with women. Nor indeed would the senate have engaged Scipio Africanus to serve as lieutenant under his brother,

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he leaves the reader to collect, from the character of the commanders chosen to conduct them, and the precautions used to render them successful. He concludes with observing, that the Mithridatic war was the longest, the most dangerous, and attended with the greatest variety of for-

tune, of any the Romans were ever engaged in; that of course it was the best school of discipline for educating a young warrior, and furnished the fairest theatre whereon to display his military accomplishments.

Africano senatus egisset, ut legatus fratri proficiseretur, cùm ipse, paulò antè Hannibale ex Italia expulso, ex Africa ejecto, Carthagine oppressâ, maximis periculis rempub. liberavisset, nisi illud grave bellum et vehemens putaretur.

XV. Atqui, si diligenter, quid Mithridates potuerit, et quid effecerit, et qui vir fuerit, considerâris; omnibus regibus, quibuscum populus Rom. bellum gessit, hunc regem nimirum antepones. Quem L. Sylla maximo et fortissimo exercitu, cùm exacerbasset pugnâ, non rudit imperator, ut aliud nihil dicam, eum bello invectum totam in Asiam, cum pace dimisit: quem L. Murena, pater hujusce, vehementissimè vigilantissimèque vexatum, repressum maxima ex parte, non oppressum reliquit: qui rex, sibi aliquot annis sumptis ad confirmandas rationes et copias belli, tantum ipse opibus conatique invaluit, ut se oceanum cum Ponto, Sertorii copias cum suis conjuncturum putaret. Ad quod bellum duobus consulibus ita missis, ut alter Mithridatem persequeretur, alter Bithyniam tueretur; alterius res et terrâ et mari calamitosae, vehementer et opes regis et nomen auxerunt: L. Luculli verò res tantae extiterunt, ut neque majus bellum commemorari possit, neque majore consilio, et virtute gestum. Nam, cùm totius impetus belli ad Cyzicenorum moenia constitisset, eamque urbem sibi Mithridates Asiae januam fore putavisset, quâ effractâ et revulsâ, tota pateret provincia; perfecta ab Lucullo haec sunt omnia, ut urbs fidelissimorum sociorum defenderetur, ut omnes copiae regis diuturnitate obsidionis consumerentur. Quid! illam pugnam navalem ad Tenedum, cùm contento cursu, acerrimis ducibus, hostium classis Italiam spe atque animis inflata, peteret; mediocri certamine, et parva dimicatione commissam arbitraris? Mitto proelia: praetereo oppugnationes opidorum: expulsus regno tandem aliquando, tantum tamen consilio atque auctoritate valuit, ut se, rege Armeniorum adjuncto, novis opibus copiisque renovârit.

XVI. Ac si mihi nunc de rebus gestis esset nostri exercitûs imperatorisque dicendum, plurima et maxima praelia commemo rare possem. Sed non id agimus: hoc dico; si bellum hoc, si hic hostis, si ille rex contemnendus fuisset; neque tantâ curâ senatus et populus Rom. suscipiendum putâsset, neque tot annos

when he had so lately driven Hannibal out of Italy, forced him to abandon Africa, crushed the power of Carthage, and delivered the republic from the greatest dangers, had not that been considered as a weighty and formidable war.

SECT. XV. And indeed, if you diligently weigh the power of Mithridates, his great actions, and the real character of the man, you will find reason to rank him above all the princes with whom the Roman people were ever at war. He was a prince whom L. Sylla, who, to say the least of him, was no raw commander, though at the head of a brave and numerous army, and ready to join battle, yet suffered to depart in peace from Asia, which he had filled with all the calamities of war: a prince whom L. Murena, the father of him whom I now defend, after harassing him with indefatigable industry and vigour, and reducing him to the greatest straits, found it yet impossible wholly to subdue: a prince who, after taking some years to recruit his revenues and armies, recovered so much power and spirit as to think of joining the ocean with the Pontic sea, and the troops of Sertorius with his own. Two consuls were sent to this war, the one to attack Mithridates, the other to defend Bithynia. The latter miscarrying both by land and sea, rather added to the power and reputation of the king: but Lucullus signalized himself by so many great actions, that we meet with no war in history, either more important in itself, or managed with greater courage or conduct. For, when the whole collected force of the war stood at the walls of Cyzicum, and Mithridates, regarding that city as the gate of Asia, flattered himself that, by destroying her bulwarks, he would lay the whole province open to his depredations; Lucullus took his measures so effectually, as both to defend this city of our faithful allies, and entirely consume the king's army by the length of the siege. What! do you regard the naval fight at Tenedos as a slight and inconsiderable engagement, when the enemy's fleet, with full sail, and under the fiercest leaders, flushed with hope and expectation, was making for the coast of Italy? I forbear to speak of battles, and the many sieges that happened during the war. When, at length, he was driven from his kingdom, so powerful were his authority and address, as, by conciliating the king of Armenia to his cause, to re-establish it by a new accession of strength and forces.

SECT. XVI. Was it my business to recount here the exploits of our army and general, I might give a detail of many very considerable engagements. But that is not the point at present. This, however, I will take upon me to say, that if this war, this enemy, this monarch, had been despicable, the senate and people

gressisset, neque tantâ gloriâ L. Luculli, neque verò ejus belli confiendi curam tanto studio populus Romanus ad Cn. Pompeium detulisset: cuius ex omnibus pugnis, quae sunt innumerabiles, vel acerrima mihi videtur illa, quae cum rege commissa est, et suinmâ contentione pugnata. Qua ex pugna cùm se ille eripuissest, et Bosphorum configisset, quò exercitus adire non posset, etiam in extrema fortuna et fuga, nomen tamen retinuit regium. Itaque ipse Pompeius, regno possesso, ex omnibus oris, ac notis sedibus hoste pulso, tamen tantum in unius anima posuit, ut, cùm omnia, quae ille tenuerat, adiérat, sperârat, victoriâ possideret; tamen non antè, quâm illum vitâ expulit, bellum confectum judicârit. Hunc tu hostem, Cato, contemnis, quocum per tot annos, tot proeliis, tot imperatores bella gesserunt; cuius expulsi et ejecti vita tanti aestimata est, ut morte ejus nunciâtâ, tum denique bellum confectum arbitraretur? Hoc igitur in bello L. Murenam, legatum fortissimi animi, summi consilii, maximi laboris cognitum esse defendimus: et hanc ejus operam non minùs ad consulatum adipiscendum, quâm hanc nostram forensem industriam dignitatis habuisse.

XVII. "At enim in praeturae petitione prior renuntiatus est Servius." Pergitisne vos, tanquam ex syngrapha, agere cum populo, ut, quem locum semel honoris cuipiam dederit, eundem reliquis honoribus debeat? Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes fluctuum, quantas perturbationes et quantos aestus habet ratio comitiorum? Dies intermissus unus, aut nox interposita, saepe perturbat omnia: et totam opinionem parva nonnunquam commutat aura rumaris. Saepe etiam sine ulla aperta causa fit aliud atque existimamus, ut nonnunquam ita factum esse etiam populus admiretur; quasi verò non ipse fecerit. Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. Quis L. Philippum summo ingenio, operâ, gratiâ, nobilitate, à M. Herennio superari posse arbitratus est? quis Q. Catulum humanitate, sapientiâ, integritate antecellentem, à Cn. Manlio? quis M. Scaurum hominem gravissimum, civem egregium, fortissimum senatorem, à Q. Maximo? non modò horum

of Rome would not have thought it necessary to use so much precaution in their preparations ; never would the war have lasted so long ; never could Lucullus have returned from it with so much glory ; nor would the Romans have been so earnest to entrust the finishing of it to Cn. Pompey : of all whose innumerable battles, none seems to me to have been fiercer than that so obstinately disputed with this king ; who, finding means to escape with some troops, and taking refuge in Bosphorus, whither our army could not penetrate, supported, even in the lowest ebb of flight and fortune, the name and reputation of a monarch. Accordingly Pompey, having taken possession of his kingdom, and driven him from all his known haunts and territories, made yet so great account of the life of this one man, that though by his victory he became master of all that Mithridates held, laid claim to, or aspired after ; he nevertheless did not look upon the war as finished till he had driven Mithridates out of the world. - And do you, Cato, despise an enemy, who, for so many years, and in so many battles, has opposed so many of our generals ; whose life, even in expulsion and exile, was so highly accounted of, that the war was never looked upon as finished till the news came of his death ? It is in this war, I contend, that L. Murena, in character of lieutenant-general, distinguished himself by his undaunted courage, his consummate prudence, and his indefatigable industry ; nor do these qualities recommend him with less advantage to the consulship, than does our practice at the bar and in the forum.

SECT. XVII. But Servius, I am told, was declared first, in the competition for the praetorship. Do you then exact from the people, as if in virtue of some contract, that because they once gave the preference to a man in point of honour, he has therefore a right to it on all succeeding occasions ? What sea, what narrow strait, is agitated with more fluctuations and changes, than are the tossings and tumults of popular assemblies ? One day intermitted, or one night, often throws all into confusion : and the least breath of rumour sometimes entirely changes the inclinations of the people. Often without any apparent cause, the very reverse of what we expected happens, insomuch that even the people sometimes wonder at the event, as if it did not wholly proceed from themselves.) Nothing is more unstable than the multitude, nothing more impenetrable than the mind of man, nothing more fallacious than the issue of elections. Who could have imagined that L. Philippus, so eminent for his parts, application, interest, and birth, would have been baffled by M. Hennius ? or Q. Catulus, with his known character of humanity, wisdom and integrity, by Cn. Manlius ? or M. Scaurus, so able a statesman, so worthy a citizen, and so brave a senator, by Q.

nihil ita fore putatum est, sed ne cùm esset factum quidem, quare ita factum esset intelligi potuit. Nam ut tempestates saepe certo aliquo coeli signo commoventur, saepe improvisò nulla ex certa ratione, obscura aliqua ex causa excitantur: sic in hac comitiorum tempestate populari, saepe intelligas, quo signo commota sit; saepe ita obscura est, ut casu excitatâ esse videatur.

XVIII. Sed tamen, si est reddenda ratio, (16)duae res vehementer in praetura desideratae sunt, quae ambae in consulatu Murenae profuerunt: una, expectatio muneris, quae et rume nonnullo, et studiis sermonibusque competitorum creverat: altera, quòd ii, quos in provincia ac legatione omnis et liberalitatis et virtutis suae testes habuerat, nondum decesserant. Horum utrumque ei fortuna ad consulatus petitionem reservavit. Nam et L. Luculli exercitus, qui ad triumphum convenerat, idem comes L. Murenae praestò fuit: et munus amplissimum, quod petitio praeturae desiderabat, praetura restituit. Num tibi haec parva videntur adjumenta et subsidia consulatus? voluntas militum? quae cùm per se valet multitudine, tum apud suos gratiâ; tum verò in consule declarando multum etiam apud universum populum Rom. auctoritatis habet suffragatio militaris: imperatores enim comitiis consularibus, non verborum interpres diliguntur. Quare gravis est illa oratio: 'Me saucium recreavit: me praedâ donavit: hoc duce castra cepimus, signa contulimus: nunquam iste plus militi laboris imposuit, quam sibi sumpsit ipse: cùm fortis tum etiam felix.' Hoc quanti putas esse ad famam hominum, ac voluntatem? etenim si tanta illis comitiis religio est, ut adhuc semper omen valuerit praerogativum; quid mirum est, in hoc felicitatis famam sermonemque valuisse?

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(16) *Duae res vehementer in praetura desideratae sunt, quae ambae in consulatu Murenae profuerunt.*] Two things were wanting to Murena when he stood candidate for the praetorship, the absence of which contributed not a little to render him less acceptable to the people than his competitor Sulpicius. Both these attended him in his suit for the consulship, and enabled him in the end to triumph over his rival. One of these was the expectation of public games, which had been fomented by various rumours, and the studied insinuations of his fellow-candidates. Murena had never been aedile, and therefore had no opportunity of

recommending himself to the favour of the people, by an exhibition of public games. This was a great disadvantage to him when he sued for the praetorship, because the other candidates having enjoyed that magistracy, and the means it furnished of becoming popular, failed not to boast of the zeal they had shewn to please the people, and encouraged the rumours against Murena, whom they represented as one that had declined the office out of parsimony. His praetorship, however, restored this opportunity of acquiring popularity; because it fell to his lot, as city praetor, to exhibit the games sacred to Apollo, which he did in a most

Maximus. These great men so little expected such a repulse, that when the affair was over, they could not comprehend how it happened. For as tempests are often portended by certain appearances of the heavens, and often arise suddenly and unexpectedly from some obscure cause: so, in the storms attending popular elections, you often can perceive whence they take their rise; but often too the cause is so obscure, that the whole seems the mere effect of chance.

SECT. XVIII. But if we must give a reason for it, two things were conspicuously wanting in Murena's suit for the praetorship, which both contributed greatly to his being chosen consul: one, the expectation of public games, which was increased by certain reports, and the affected talk and discourse of his rivals; the other, that they who had been witnesses to his liberality and bravery, while he served as lieutenant in the province, were not yet returned from the province to Rome. Fortune reserved both these advantages, to give weight to his solicitation for the consulship. For the army of Lucullus assembling at Rome to attend that general's triumph, assisted Murena in his application; and in his praetorship he entertained the people with magnificent public shews, which were wanting when he stood candidate for that dignity. Are these, think you, weak and feeble helps to a consulship; to be supported by an army, powerful in the number of troops, and of considerable interest by its friends? besides that, in the election of a consul, the suffrages of the soldiers have always been of great authority with the whole body of the Roman people. For generals, and not interpreters of words, are the successful candidates at a consular election. Accordingly, there is much weight in a speech like this: *He relieved me when I was wounded; he enriched me with plunder; under his conduct we stormed the enemy's camp, after having vanquished them in battle; he imposed no hardships on his soldiers, in which he did not share himself; always brave, always successful.* How prevalent must a discourse of this kind be, to raise a man's reputation, and conciliate the good-will of the people! For if the voices of the prerogative century are still regarded with religious awe, so as to pass for a favourable presage; what reason is there to wonder, that the fame and discourse of Murena's good fortune prevailed for him on this occasion!

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magnificent manner, and thereby so effectually ingratiated himself with the people, that when he stood candidate for the consulship, he found his interest greatly increased, and was even chosen in preference to Sulpicius.

praestofuit - Supported

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XIX. Sed si haec leviora ducis, quae sunt gravissima, et hanc urbanam suffragationem militari anteponis; noli ludorum hujus elegantiam, et scenaे magnificentiam valdè contemnere, quae huic admodum profuerunt. Nam quid ego dicam populum ac vulgus imperitum ludis magnoperè delectari? minus est mirandum: quanquam huic causæ satis est; sunt enim populi ac multitudinis comitia. Quare si populo ludorum magnificentia voluptati est, non est mirandum, eam L. Murenae apud populum profuisse. Sed si nosmetipsi, qui et ab delectatione omni negotiis impeditur, et in ipsa occupatione delectationes alias multas habere possumus, ludis tamen oblectamur et ducimur; quid tu admirere de multitudine indocta? (17) L. Otho, vir fortis, meus necessarius, equestri ordini restituit non solum dignitatem, sed etiam voluptatem; itaque lex haec, quae ad ludos pertinet, est omnium gratissima; quod honestissimo ordini cum splendore fructus quoque jucunditatis est restitutus. Quare delectant homines, mihi crede, ludi, etiam illos qui dissimulant, non solum eos qui fatentur: quod ego in mea petitione sensi: nam nos quoque habuimus (18) scenam competitricem. Quod si ego, qui

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(17) *L. Otho, vir fortis.*] L. Roscius Otho, tribune of the people, published a law for the assignment of distinct seats in the theatres to the equestrian order, who used before to sit promiscuously with the populace; but by this law, fourteen rows of benches, next to those of the senators, were to be appropriated to their use, by which he secured to them, as Cicero says, both their dignity and their pleasure. The senate obtained the same privilege of separate seats about an hundred years before, in the consulship of Scipio Africanus; which highly disgusted the people, and gave occasion, says Livy, as all innovations are apt to do, to much debate and censure: for many of the wiser sort condemned all such distinctions in a free city, as dangerous to the public peace: and Scipio himself afterwards repented, and blamed himself for suffering it. Otho's law, we may imagine, gave still greater offence, as it was a greater affront to the people to be removed yet farther from what of all things they were fondest of, the sight of plays and shews. It was carried, however, by the authority of the tribune, and is frequently referred to by the classic writers, as an act very memorable, and what made much noise in its time. Some time after, during the consulship of Cicero, and while the grudge was still fresh, Otho happening to come into the theatre, was received by the populace with an universal

hiss, but by the knights with loud applause and clapping: both sides redoubled their clamour with great fierceness, and from reproaches were proceeding to blows, till Cicero, informed of the tumult, came immediately to the theatre, and calling the people out into the temple of Bellona, so tamed and stung them by the power of his words, and made them so ashamed of their folly and perverseness, that, on their return to the theatre, they changed their hisses into applauses, and vied with the knights themselves in demonstrations of their respect to Otho. The speech was soon after published; though, from the nature of the thing, it must have been made upon the spot, and flowed extempore from the occasion: and as it was much read and admired for several ages after, as a memorable instance of Cicero's command over men's passions, so some have imagined it to be alluded to in that beautiful passage of Virgil, where he represents Neptune appearing above the waves, and quieting the storm that had dispersed Aeneas's fleet.

*Ac veluti magno in populo cum saepe coorta est
Seditio, saevitque animis ignobile vulgus:
Jamque faces et saxa volant, furor arma ministrat;
Tum pietate gravem et meritis si forte virum quem*

SECT. XIX. But if you make light of these advantages, which yet are in reality of very great account, and prefer the suffrages of citizens to those of soldiers; at least let me advise you to suppress your contempt for the elegance of Murena's plays, and the magnificence of his scenes, which did him so much service. For what need is there of putting you in mind, how much the people and unthinking vulgar are delighted with the public shews? The fact is incontestable, and abundantly serves my present purpose; since, in assemblies for elections, the people and multitude are always predominant. If, then, the magnificence of public spectacles gives such content to the people, there is the less reason to wonder that Murena thereby so effectually gained their favour. For if even we, whom business restrains from the pursuit of pleasure, and who, in the course of our engagements, find often pleasure enough, are yet sometimes amused and diverted by the public shews; why should we be surprised at the thoughtless multitude? My brave friend, L. Otho, has restored to the equestrian order, not only their dignity, but likewise their pleasure. Accordingly this law relating to the public spectacles, is of all others the most agreeable; because it secures to a very honourable class of men, along with the splendour of their rank, the convenience also of their diversions. Therefore, take my word for it, the public games not only delight those who confess, but those too who affect to speak of them with indifference: as I myself experienced in the course of my preferment, when it was my turn to engage in this contest of magnificence. But if I, who, when aedile, exhibited three solemn shews, was yet alarmed by

fructus iucunditatis NOTES. *enjoyment of pleasure*

Conspicere, silent, arrectisque auribus adstant;

Ille regit dictis animos, et pectora mulcet.

Virg. Aen. 1, 152.

As when sedition fires th' ignoble crowd,
And the wild rabble storms and thirsts for

blood; [flies,

Of stones and brands a mingled tempest
Withall the sudden arms that rage supplies:
If some grave sire appears amidst the strife,
In morals strict, and innocence of life,
All stand attentive, while the sage con-
trols

Their wrath, and calms the tempest of
their souls. Mr PITT.

What gives the greater colour to this
imagination is, that Quintilian applies
these lines to his character of a complete
orator, which he professedly forms upon
the model of Cicero. The oration itself
is now lost, but it appears by Macrobius,

that one topic which Cicero touched in this speech, and indeed the only one of which we have any hint from antiquity, was to reproach the rioters for their want of taste and good sense, in making such a disturbance while Roscius was acting.

(18) *Scenam competitricem.*] Cicero here intimates, that when he stood candidate for the consulship, he was opposed by several rivals, not a little formidable by the court they had paid to the people in the exhibition of plays and shews. Among the rest Antony, who had been Cicero's colleague in the aedileship, is related to have exceeded all that went before him in magnificence, insomuch that the very scenes were of solid silver. Cicero therefore had reason to fear, that the magnificence of Antony's shews would plead more powerfully for him, than all his labour and industry in protecting the lives and fortunes of his fel-

trinos ludos aedilis feceram, tamen Antonii ludis commovebar; tibi, qui casu nullos feceras, nihil hujus istam ipsam, quam irrides, argenteam scenam adversatam putas? Sed haec sanè sint paria omnia; sit par forensis opera militari; sit par militari suffragatio urbana; sit idem, magnificentissimos, et nullos unquam fecisse ludos: quid? in ipsa praetura, nihilne existimas inter tuam et istius sortem interfuisse?

XX. Hujus sors ea fuit, quam omnes tui necessarii tibi optabamus, (19) juris dicundi: in qua gloriam conciliat magnitudo negotii, gratiam aequitatis largitio: qua in sorte sapiens praetor, qualis hic fuit, offensionem vitat aequabilitate decernendi, benvolentiam adjungit lenitate audiendi. Egregia et ad consulatum apta provincia; in qua laus aequitatis, integritatis, facilitatis, ad extreum, ludorum voluptate concluditur. Quid tua sors? tristis, atrox, (20) quaestio peculatus; ex una parte lacrymarum et squaloris, ex altera plena catenarum atque indicum: cogendi iudices inviti, retinendi contra voluntatem: scriba damnatus, ordo totus alienus: Syllana gratificatio reprehensa: multi viri fortes, et propè pars civitatis offensa est: lites severè aestimatae: cui

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low-citizens. And in fact we find, that, though our orator's interest was superior, (for he was proclaimed the first consul by the voices of all the centuries), yet Antony was the next to him in popularity, and obtained, jointly with him, the consulship, in preference to all the other candidates. It appeared remarkably upon this occasion, how dear Cicero was to the Roman people. The method of choosing consuls was not by an open vote, but by a kind of ballot, or little tickets of wood, distributed to the citizens, with the names of the candidates severally inscribed upon each: but, in Cicero's case, the people were not contented with this secret and silent way of testifying their inclinations; but, before they came to any scrutiny, loudly and universally proclaimed Cicero the first consul; so that, as he himself declared in his speech to them after his election, he was not chosen by the votes of particular citizens, but by the common suffrage of the city; nor declared by the voice of the crier, but of the whole Roman people. He was the only *new man* who had obtained this sovereign dignity, or, as he expresses it, had forced the entrenchments of the nobility for forty years past, from the first consulship of C. Marius; and the only one likewise who had ever

obtained it in his proper year, or without a repulse: for the nobles themselves, though always envious and desirous to depress him, yet, out of regard to the dangers which threatened the city from many quarters, and seemed ready to burst out into a flame, began to think him the only man qualified to preserve the republic, and break the cabals of the desperate, by the vigour and prudence of his administration: for, in cases of danger, as Sallust observes, pride and envy naturally subside, and yield the post of honour to virtue.

(19) *Juris dicundi.*] The praetors, at Rome, had different provinces assigned them, some being appointed to take cognizance of private, others of public causes; some to determine in civil, others in criminal matters. The *praetor urbanus* (and, as Lipsius thinks, the *praetor peregrinus*) presided in private causes, and the other praetors in questions relating to crimes. The latter therefore were sometimes called *quaesidores, quia quaerebant de criminis;* the first barely *jus dicebat.* This was the lot of Murena, who was therefore city-praetor, a grateful magistracy, and peculiarly honourable at Rome; he, who was invested with it, being distinguished by the title of *praetor honoratus.* Here we must take no-

the splendour of the games given by Antonius; can you, who chanced to exhibit none, imagine that this silver scenery of Murena, which you so much ridicule, was of no prejudice to your cause? But, let us suppose all these points in dispute between you equal; that the accomplishments of the forum have no less merit than those of the field; that the interest of the city-voters is as great as that of the army; that there is no difference between exhibiting the most magnificent shews, and no shew at all: yet do you imagine, that, in the exercise of the praetorship, there was no pre-eminence in his allotment over yours?

SECT. XX. His allotment was that of deciding causes, which all of us, your friends, wished to have been yours; an allotment in which the importance of the charge conciliates glory, and the distribution of justice popularity; an allotment in which a wise praetor, like Murena, avoids offence by the equity of his decisions, and cultivates the good-will of the people by the lenity of his behaviour: a noble province, admirably calculated to smooth his way to the consulship, and in which the praise of his equity, probity, and affability, was crowned by the engaging exhibition of public shews. But what was your allotment? a sad and savage inquiry into corruption; on the one side, filled with tears and nastiness; on the other, with chains and evidences. Judges forced to sit on public trials, and detained against their inclination: a scribe condemned, and the whole order alienated: the bounties of Sylla ~~reversed~~: many brave men, and almost half the city disengaged; damages estimated with rigour: they that,

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rice of the difference between *jus dicere* and *judicare*: the former relates to the praetor, and signifies no more than the allowing an action, and granting judges for determining the controversy; the other is the proper office of the judges allowed by the praetor, and denotes the actual hearing and deciding of a cause.

(20) *Quæstio peculatus.*] The inquisition of criminal matters belonged at first to the kings, and, after the abrogation of their government, for some time, to the consuls: but, being taken from them by the Valerian law, it was conferred, as occasions happened, upon officers deputed by the people, with the title of *quaestores parricidii*. But, about the year of the city six hundred and four, the power was made perpetual, and appropriated to the praetors, by virtue of an order of the people at their annual election; the inquisition of such and such crimes being committed to such and such praetors.—

These crimes were such actions as tended either mediately, or immediately, to the prejudice of the state, and were forbid by the laws: as, if any person had derogated from the honour and majesty of the commonwealth; had embezzled and put to ill uses the public money, or any treasure consecrated to religion; or had corrupted the people's votes in an election; or had extorted contributions from the allies; or received money in any judgment; or had used any violent compulsion to a member of the commonwealth. These were termed *crimina maiestatis, peculatus, ambitionis, repetundarum, and vis publicae*. The allotment of Sulpicius was the question relating to public money, which Cicero calls a disagreeable and hateful office, because the praetor was sometimes necessitated to pass very severe judgments, which involved whole families in sorrow and ruin.

placet, obliviscitur: cui dolet, meminit. Postremò tu in provinciam ire noluisti. Non possum id in te reprehendere, quod in meipso et praetor et consul probavi: sed tamen L. Murenae provincia multas bonas gratias cum optima existimatione attulit: habuit proficisciens delectum in Umbria: dedit ei facultatem res publ. liberalitatis; quā usus, multas sibi tribus, quae municipiis Umbriae conficiuntur, adjunxit; ipse autem in Gallia, ut nostri homines desperatas jam pecunias exigenter, aequitate diligentiāque perfecit. Tu interea Romae scilicet amicis praestò fuisti, fateor: sed tamen illud cogita, nonnullorum amicorum studia minui solere in eos, à quibus provincias contemni intelligent.

XXI. Et quoniam ostendi, judices, parem dignitatem ad consulatū petitionem, disparem fortunam provincialium negotiorum in Murena, atque in Sulpicio fuisse: dicam jam apertiū, in quo meus necessarius fuerit inferior Servius; et ea dicam, vobis audentibus, amissō jam tempore, quae ipsi soli, re integrā, saepe dixi. Petere consulatum nescire te, Servi, persaepe dixi: et in iis rebus ipsis, quas te magno et forti animo, et agere, et dicere videbam, tibi solitus sum dicere, magis te fortem senatorem mihi videri, quām sapientem candidatum. Primū (21) accusandi terrores et minae quibus tu quotidie uti solebas, sunt fortis viri; sed et populi opinionem à spe adipiscendi avertunt, et amicorum studia debilitant. Nescio quo pacto semper hoc fit: neque in uno aut altero animadversum est, sed jam in pluribus: simulatque candidatus accusationem meditari visus est, ut honorēm desprāsse videatur. Quid ergo? acceptam injuriam persecui non placet? immò vehementer placet: sed aliud tempus est petendi, aliud persecundi; petitorem ego, praesertim consulatū, magnā spe, magno animo, magnis copiis et in forum et in campum deduci volo; non placet mihi inquisitio candidati, praenuntia repulsae: non testium potiū, quām suffragatorum comparatio: non minae magis, quām blanditiae: non declamatio potiū, quām persalutatio: praesertim cùm jam hoc novo more omnes ferè domos omnium concurent, et ex vultu candidatorum conjecturam faciant, quantum quisque animi et facultatis habere videatur. Videsne tu illum tristem, demissum? jacet, diffidit, abjecit

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(21) *Accusandi terrores et minae.*] Cicero here accuses Sulpicius of want of prudence in his manner of suing for the consulship. For, by despairing too hastily of success, and threatening his competitors with a prosecution, he cooled the zeal of his friends, who began to think

his cause in a declining way. For, when a candidate has recourse to threats, it is a sure sign he has little prospect of succeeding in the way of solicitation; and the people, unwilling to throw away their votes, choose rather to attach themselves to a more fortunate competitor.

are pleased, forget; they that are hurt, remember. Last of all, you refused to go to your province. I cannot blame you for a conduct which I followed myself, both when praetor and consul: but neither ought I to omit, that Murena gained many friends and much reputation in his province. In his journey thither, he made a levy in Umbria, where the republic gave him an opportunity of displaying his liberality; of which he made so good an use, as to engage in his interest a great many tribes, which are composed out of the corporations of Umbria. When he arrived in person in Gaul, such was his equity and application, that he enabled our collectors to recover a great many desperate debts. You, meanwhile, I am ready to allow, ~~were~~ employed in the service of your friends at Rome: but suffer me to put you in mind, that there are some friends very apt to cool in their regard towards those by whom they see provinces despised.

SECR. XXI. And now, my lords, that I have shewn Sulpicius and Murena to have been alike in point of dignity, as candidates for the consulship, but unlike in the destination of their provincial concerns: I shall declare more plainly in what my friend Servius was inferior to the other; and repeat that in your hearing, now the affair is over, which I often told himself in private, while the election was ~~depending~~. I was frequently then wont to tell you, Servius, that you knew not how to make application for the consulship: and even in those very points, in which I beheld you act and speak with courage and magnanimity, I yet failed not to intimate, that, in my opinion, you made rather a brave senator, than a wise candidate. First, the terrors and threats of an impeachment, of which you ~~were~~ every day so lavish, sufficiently proclaim the man of spirit: but then they also abate, among the people, the hopes of a candidate's success, and weaken the zeal of his friends.—I know not how, yet this is always the case: nor is it found to hold in one or two instances only, but in many, that, as soon as a candidate discovers an inclination to impeach, he is thought to despair of the honour to which he aspires. But how? would you have me lay aside all resentment of injuries? Far from it: but there is a time for soliciting, and a time for prosecuting. I would have a candidate, especially for the consulship, to appear in the forum, and in the field of Mars, with great hopes, a great spirit, and a great party. It looks not well when he is prying after matter for an impeachment; when he is procuring witnesses instead of votes; when he is threatening, instead of flattering; when he is making declamations, instead of paying compliments; especially as it is now become a custom for candidates to go the round of all the electors, who, from their air and countenance, form a judgment of their hopes and interest. Did you observe how sad and dispirited

hastas. Serpit hic rumor: scis tu illum accusationem cogitare? inquirere in competitores? testes quaerere? alium faciam, quoniam sibi hic ipse desperat. Eiusmodi candidatorum amici intimi debilitantur, studia deponunt, aut testatam rem abjiciunt, aut suam operam et gratiam judicio et accusationi reservant.

XXII. Accedit eodem, ut etiam ipse candidatus totum animum atque omnem curam, operam, diligentiamque suam in petitione non possit ponere. Adjungitur enim accusationis cogitatio, non parva res, sed nimirum omnium maxima. Magnum est enim te comparare ea, quibus possis hominem è civitate, praesertim non inopem, neque infirmum, exturbare: qui et per se, et per suos, et verò etiam per alienos defendatur; omnes enim ad pericula propulsanda concurrimus: et qui non apertè inimici sumus, etiam alienissimis, in capitis periculis, amicissimorum officia et studia praestamus. Quare ego expertus et petendi, et defendendi, et accusandi molestiam, sic intellexi; in petendo studium esse acerrimum, in defendendo officium, in accusando laborem. Itaque sic statuo, fieri nullo modo posse, ut idem accusationem, et petitionem consulatus diligenter adornet atque instruat; unum sustinere pauci possunt, utrumque nemo. Tu, cùm te de curriculo petitionis deflexisses, animumque ad accusandum transtulisses, existimasti, te utrique negotia satisfacere posse? vehementer errasti; quis enim dies fuit, posteaquam in istam accusandi denuntiationem ingressus es, quem tu non totum, in ista ratione consumpseris?

XXIII. Legem ambitū flagitasti, quae tibi non déerat; erat enim severissimè (22) scripta Calpurnia; gestus est mos et voluntati et dignitati tuae. Sed tota illa lex accusationem tuam, si haberet nocenteum reum, fortasse armasset: petitioni verò refragata est; poena gravior in plebem tuā voce efflagitata est: commoti animi tenuiorum; exsilium in nostrum ordinem: con-

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(22) *Scripta Calpurnia.*] C. Calpurnius Piso, who was consul the same year with M. Glabrio, passed a law against bribery and corruption, by which the criminal was excluded from all public honours, and condemned in a certain fine. But this law appearing too mild to Sulpicius, he got another passed during Cicero's consulship, by which it was enacted that those who sold their votes should be subject to a mulct, and that a candi-

date, convicted of bribery, should be banished for ten years. It likewise took away all pretences of absence on account of illness, that the party impeached might not thereby have an opportunity of protracting or evading his trial. Some explain this last article of the people in general, who, they say, were obliged to attend and give their votes at the election of consul, under pain of a fine.

he looked? why, he is quite abashed, he desponds, he gives up, the cause. Instantly the rumour creeps round. What? don't you know that he is meditating an impeachment? that he is prying into the conduct of his competitors? that he is searching after witnesses? I'll give my interest to another; for this man evidently despairs of success. The nearest friends of such candidates are immediately damped: they lose all their zeal; and either wholly give up a cause which they look upon as desperate, or reserve all their influence for the judgment and accusation that is to ensue.

SECT. XXII. To this we may add, that the candidate himself cannot employ his whole spirit, care, attention, and application, towards the promoting his solicitation; for his mind runs likewise upon the impeachment, which, far from being a slight affair, is perhaps the most important of all others. It is no easy matter to furnish yourself properly for driving a man of wealth and interest out of the city; one who, by himself, by his friends, nay, and even by strangers, is amply provided with all the means of defence. For we are all very ready to lend our assistance in repelling danger; and where no declared enmity subsists, find ourselves prompted to perform the highest offices of friendship to the merest strangers, when threatened with a capital indictment. Accordingly, having learnt from experience the solicitude attending the function of a candidate, a defender, and an accuser, I find it to be this: that in a candidate there is required an assiduous courting, in a defender an anxious zeal; and in an accuser an unremitting industry. I therefore take upon me to assert, that it is impossible for the same man to acquit himself with ability and address, as a candidate for the consulship, and the manager of an impeachment. Few people can support any one of these characters with dignity, but no man both. When you, Servius, quitted the track of a candidate, and turned your thoughts to the business of accusing, did you flatter yourself with being equal to both duties? It was a great mistake if you did: for from the time that you professed yourself an accuser, say if so much as a single day passed, that was not wholly engrossed by the concerns of that office.

SECT. XXIII. You urged the public for a law against bribery and corruption, for which there seemed to be but little occasion, as the Calpurnian law was already very rigorous and severe. However, a proper regard was shewn to your request and dignity. But that whole law, which perhaps would have strengthened your accusation, had the impeached been guilty, was rather prejudicial to your demand of the consulship. A heavier penalty was extorted against the people. The poorer sort

cessit senatus postulationi tuae; sed non libenter duriorem fortunae communi conditionem, te auctore, constituit. Morbi excusationi poena addita est: voluntas offensa multorum, quibus aut contra valetudinis commodum laborandum est, aut incommodo morbi etiam caeteri vitae fructus relinquendi; quid ergo? haec quis tulit? is qui auctoritati senatus, voluntati tuae paruit: denique is tulit, cui minimè proderant. Quid? illa, quae meā summā voluntate senatus frequens repudiavit, mediocriter adversata tibi esse existimas? (23) confusionem suffragiorum flagitasti, prorogationem legis Maniliae, aequationem gratiae, dignitatis, suffragiorum. Graviter homines honesti, atque in suis civitatibus et municipiis gratiosi tulerunt, à tali viro esse pugnatum, ut omnes et dignitatis et gratiae gradus tollerentur. Idem editios judices esse voluisti, ut odia occulta civium, quae tacitis nunc discordiis continentur, in fortunas optimi cujusque erumperent. Haec omnia tibi accusandi viam muniebant, adipiscendi obsepiebant. Atque ex omnibus illa plaga est injecta petitioni tuae, non tacente me, maxima: de qua ab homine ingeniosissimo et copiosissimo, Hortensio, multa gravissimè dicta sunt: quo etiam mihi durior locus est dicendi datus: ut, cùm ante me et ille dixisset, et vir summā dignitate et diligentia, et facultate dicendi, M. Crassus, ego in extremo non partem aliquam agerem causae, sed de tota re dicerem, quod mihi videretur. Itaque in iisdem rebus ferè versor, et, quod possum, judices, occurro vestrae sapientiae.

XXIV. Sed tamen, Servi, quam te securim putas injecisse petitioni tuae, cùm tu populum Romanum in cum metum adduxisti, ut pertimesceret, ne consul Catilina fieret, dum tu accusationem comparares, deposita atque abjecta petitione! Etenim te inquirere videbant tristem ipsum: moestos amicos, observationes, testificationes, seductiones testium, secessionem subscriptorum animadvertebant: quibus rebus certè ipsi candidatorum vultus obscuriores videri solent. Catilinam interea alacrem atque laetum, stipatum choro juventutis, vallatum indicibus atque sicariis, inflatum cùm spe militum, tum collegae mei, quemadmodum dicebat ipse, promissis, circumfluente colonorum Are-

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(23) *Confusionem suffragiorum flagitasti.*] I have already taken notice of the great advantage which the distribution of the people into centuries gave to men of property in Rome: an alteration of the manner of voting seems to be what Cicero here speaks of, and that Sulpicius solicited a law, that the votes of all the

centuries should be gathered indiscriminately, so that the candidate should not know which century was for, or which against him. It would seem as if there had been a law of one Manilius to this purpose, and that was abrogated, but now restored by Sulpicius.

were alarmed. Exile was denounced against our order. The senate, indeed, yielded to your request: but it was not without reluctance, that, in consequence of your importunity, they were brought to impose rigorous penalties upon those of a middling fortune. A punishment was annexed to all excuses of illness. This offended many, who were either obliged to abandon the consideration of their health, or for its sake, relinquish all the other advantages of life. But let me ask you, who proposed these laws? the man who was moved thereto by the authority of the senate, and your entreaties; in short, the man who had no expectation of advantage from them. Do you imagine that that proposal of yours, which the senate in a full house rejected, to my entire satisfaction, was not considerably prejudicial to your cause? You strove to introduce a confusion of votes, a suspension of the Manilian law, and to level all distinctions of interest, power, and dignity. Many persons of worth, and eminently considerable in their own cities and corporations, were much displeased that a man of your character should aim at abolishing all degrees of honour and merit. You ~~were~~ likewise for empowering the prosecutor to nominate judges; by which the secret animosities of citizens, which are now confined within the bounds of silent dislike, would have broke~~out~~ against the fortunes of every worthy patriot. All these regulations cleared the way to your impeachment, but obstructed your success as a candidate; and gave that mortal blow to your pretensions, which I was not wanting to warn you of. But the ingenious and eloquent Hortensius has already spoken fully and solidly to this point; insomuch that the province assigned me is the more difficult, because coming after him, and M. Crassus, a man of the greatest dignity, application, and eloquence, I am obliged, as last speaker, not to confine myself to any particular part of the charge, but to give my opinion of the whole matter. Thus am I obliged to run over almost the same heads, and in some measure, my lords, anticipate your judgment.

SECT. XXIV. But what a mortal stab, Servius, did you give to your pretensions, when you raised that terror among the people, of Catiline's being chosen consul, by dropping your solicitation, and busying yourself about the impeachment! For they beheld you, with a disconsolate air, collecting informations: they saw the dejected looks of your friends, their prying, their affidavits, their closeting witnesses, their caballing with solicitors: all which are apt to throw a gloom over the countenance of a candidate. Meanwhile they observed Catiline gay and cheerful, surrounded with a crowd of young men, encompassed by informers and assassins, flushed with his hopes in the soldiery, and, as he pretended, with the promises of my colleague, while a whole

tinorum et Fesulanorum exercitu; quam turbam (24) dissimilatissimo ex genere, distinguebant homines perculti Syllani temporis calamitate. Vultus erat ipsius plenus furoris, oculi sceleris, sermo arrogantiæ, sic ut ei jam exploratus, et domi conditus consulatus videretur. Murenam contemnebat: Sulpicium accusatorem suum numerabat, non competitorem: ei vim denuntiabat: reipublicae minabatur.

XXV. Quibus rebus, qui timor bonis omnibus injectus sit, quanta desperatio reipublicae, si ille factus esset, nolite à me commoneri velle: vosmetipsi yobiscum recordamini; (25) meministis enim, cum illius nefarii gladiatori voces percrebissent, quas habuisse in concione domestica dicebatur, cum miserorum fidelem defensorem negasset inveniri posse, nisi eum qui ipse miser esset: integrorum et fortunatorum promissis saucios et miseros credere non oportere: quare qui consumpta replere, erepta recuperare vellent, spectarent quid ipse deberet, quid possideret, quid auderet: minimè timidum, et valdè calamitosum esse oportere eum, qui esset futurus dux et signifer calamitosorum. Tum igitur, his rebus auditis, meministis fieri senatusconsultum, referente me, ne postero die comitia haberentur, ut de his rebus in senatu agere possemus. Itaque postridie frequenti senatu Catilinam excitavi, atque eum de his rebus jussi, si quid vellet, quae ad me allatae essent, dicere. (26) Atque ille, ut semper fuit apertissimus, non se purgavit, sed indicavit, atque induit. Tum enim dixit, duo corpora esse reip.; unum debile, infirmo capite; alterum firmum, sine capite: huic, cum ita de se meritum esset, caput, se vivo, non defuturum. Congemuit senatus frequens, neque tamen satis severè pro rei indignitate decrevit. Nam partim ideo fortes in decernendo non erant, quia nihil timebant, partim

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(24) *Dissimillimo ex genere.*] The dissimilitude consisted chiefly in this, that the people of *Fesulae* and *Aretium* had been enriched by the spoils of the civil war conferred upon them by Sylla, these being colonies of the dictator's own planting. Others again had been divested of their estates and fortunes by Sylla, to satisfy the cravings of his veterans, to whom he had promised an allotment of lands. These too, in a view of recovering the possessions they had been so unjustly deprived of, eagerly joined in the party of Catiline.

(25) *Meministis enim.*] It is surprising that this quotation, which our very candid disinterested author gives us from Catiline's speech, is not to be found in Sallust. I will make no other remark upon it, than that the language he uses here

was very natural to a man in Catiline's circumstances; and if the senate and nobles had at that time insolently usurped upon the liberties, and ingrossed the properties of their fellow-citizens, very fair and plausible.

(26) *Atque ille, &c.*] We learn from Plutarch, that Cicero, on the very day of the comitia, informed the senate of what he had heard relating to Catiline's designs, and challenged the conspirator himself to answer to the charge he brought against him. Upon which Catiline, believing there were many in the senate who wished well to the conspiracy, instead of endeavouring to disguise his treason, openly said: "Quid pecco, " si duorum corporum, quorum alterum " caput habeat, sed aegrum et pertinax; " alterum sine capite, sed validum et

army of rustics from Aretium and Fesulae were swarming round him; a motley crowd, and rendered the more conspicuous by the contrast of those who had suffered by the proscriptions of Sylla. The countenance of Catiline himself was full of fury, his eyes of guilt, and his speech of arrogance; insomuch that he seemed already secure, nay, in actual possession of the consulship. He despised Murena; he regarded Sulpicius, not as his competitor, but his accuser; he denounced vengeance against him, and threatened his country with ruin.

SECT. XXV. Do not expect that I should put you in mind of the dread which this occasioned among all good men, and how desperate the condition of the republic would have been, had he succeeded in his demand of the consulship. Your own memory will help you to this reflection. For doubtless you have not forgot the words which that infamous gladiator was universally known to have used in a meeting at his own house, when he affirmed, that the wretched could no where hope to find a faithful and able defender, but in one wretched like themselves; that citizens oppressed with calamities and distresses, ought never to trust to the promises of the prosperous and happy; that therefore, such as were willing to repair their exhausted fortunes, and recover what had been taken from them, need only to consider how much he was involved, how little he possessed, and what he dared to do; that the man who aimed at being a leader and protector of the unfortunate, ought indeed to be very miserable, but quite void of fear. When the report of this speech became public, you may remember that, upon my proposing the affair to the consideration of the senate, they thought proper to defer the assembly for the election of consuls, that they might have time to deliberate on an affair of so great importance. Accordingly the next day, in a full house, I called upon Catiline, and commanded him to clear himself, if he could, as to those facts of which I had been informed. But he, who was always very open in those matters, without attempting to palliate his behaviour, rather owned and justified the charge. He told us, that there were two bodies in the republic; the one of them infirm, with a weak head; the other firm, without a head; which last had so well deserved of him, that it should never want a head while he lived. The whole body of the senate was heard to groan; yet were their decrees no ways answerable in severity to the indignity of the insult: for many acted remissly because they thought there was no danger, and others were held in awe by their fears. He then broke out of the senate with a triumphant joy, though

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"praepotens; huic me caput adjicio?" By the first body, he meant the senate, of which Cicero, as consul, was the head.

By the second, the people, of which he now declared himself ready to become the head.

quia timebant. Tum erupit è senatu triumphans gaudio, quem omnino vivum illinc exire non oportuerat: præsertim cùm idem ille in eodem ordine paucis diebus antè, Catoni, fortissimo viro, judicium minitanti ac denuntianti respondisset, si quod esset in suas fortunas incendium excitatum, id se non aquâ, sed ruinâ restincturum.

XXVI. His tum rebus commotus, et quòd homines jam tum conjuratos cum gladiis in campum deduci à Catilina sciebam, (27) descendì in campum cum firmissimo præsidio fortissimorum virorum, et cum illa lata insignique lorica, non quae me tegeret, (et-enim sciebam Catilinam non latus, aut ventrem, sed caput et collum, solere petere,) verùm ut omnes boni animadverterent, et cùm in metu et periculo consulem viderent, id quod est factum, ad opem præsidiumque meum concurrerent. Itaque cùm te, Servi, remissiorem in petendo putarent, Catilinam et spe, et cupiditate inflamatum viderent, omnes qui illam ab repub. pestem depellere cupiebant, ad Murenam se statim contulerunt. Magna est autem comitiis consularibus repentina voluntatum inclinatio; præsertim cùm incubuit ad virum bonum, et multis aliis adjumentis petitionis ornatum. Qui cùm honestissimo patre atque majoribus, modestissimâ adolescentiâ, clarissimâ legatione, præeturâ probatâ in jure, gratâ in munere, ornatâ in provincia, petisset diligenter, et ita petisset, ut neque minanti cederet, neque cuiquam minaretur; huic mirandum est, magno adjumento Catilinae subitam spem consulatûs adipiscendi fuisse? Nunc mihi tertius ille locus est orationis de ambitûs criminibus, perpurgatus ab iis qui ante me dixerunt, à me, quoniam ita Murena voluit, retractandus. Quo in loco, Posthumio familiari meo, ornatissimo viro, de divisorum indiciis, et de deprehensis pecuniis: adolescenti ingenioso et bono, Ser. Sulpicio, de (28) equitum centuriis: M. Catoni, homini in omni virtute excellenti, de ipsius accusa-tione, de senatusconsulto, de repub. respondebo.

NOTES.

(27) *Descendi in campum.*] As Cicero, from the many daring declarations of Catiline, had reason to suspect some violence was intended to his person, he thought fit to appear in the field of Mars, attended by a band of young noblemen; and, that he might imprint a sense of his own, and of the public danger the more strongly, he took care to throw back his gown in the view of the people, and discovered a shining breast-plate which he wore under it; by which precaution, as he told Catiline afterwards to his face, he prevented his design of killing both him and the competitors for

the consulship, of whom D. Junius Silanus and L. Licinius Murena were declared consuls elect.

(28) *Equitum centuriis.*] Sulpicius pretended that the centuries of Roman knights had been corrupted by Murena, whose son-in-law, Natta, had, it seems, invited them to an entertainment. Here we are to observe, that Servius Tullius having divided the whole Roman people into six classes, and these classes into an hundred and ninety-three centuries, ranked the knights in the first class, of which they composed eighteen centuries.

he ought never to have been suffered to depart from it alive; especially as he had declared a few days before in the same house, upon the brave Cato's threatening him with an impeachment, that if any flame should be excited in his fortunes, he would extinguish it, not with water, but a general ruin.

SECT. XXVI. Startled by these declarations, and because I knew that Catiline was to bring a body of armed conspirators into the field of Mars, I likewise repaired thither with a strong guard of brave citizens, and that broad shining breast-plate, which was not so properly intended for defence (for Catiline, I knew, was not accustomed to aim at the side, or the belly, but at the head and neck) as to rouze the attention of the honest and worthy, that when they saw their consul in fear and danger, they might fly to his protection and assistance, as accordingly happened. Therefore, Servius, when the public saw you abate in the keenness of your solicitations, while Catiline appeared inflamed with eagerness and hope, all who wished to repel that plague from the republic immediately declared for Murena. This sudden turn of the inclinations of the people at consular elections is very strong, especially where it leans towards a worthy citizen, whose suit is backed with many other powerful recommendations. For when a candidate, distinguished by the merit of his father and ancestors, by his modest behaviour in his youth, by the fame he acquired as lieutenant-general, by a praetorship illustrious in the exercise of justice, grateful in its functions, and crowned with unspotted reputation in provincial command, petitioned earnestly for the consulship, and in such a manner as to be daunted by no menaces himself, and to be above using menaces to others; ought we to be surprised, if the sudden hope that Catiline conceived of obtaining the consulship, disposed the people to unite immediately in such a man's favour? But now the third head of accusation, relating to the crime of bribery, which has been already so fully cleared up by the gentlemen who spoke before me, must again be touched-upon, in compliance with Murena's desire. And here I shall take occasion to answer what has been said by my accomplished friend, Posthumius, touching an intended distribution of money among the people, and the seizure of it in the hands of those with whom it was deposited, by the ingenious and worthy Servius Sulpicius, with regard to the centuries of Roman knights; and by M. Cato, a man adorned with every virtue, in relation to his own accusation, the decree of the senate, and the condition of the republic.

XXVII. Sed pauca, quae meum animum repente moverunt, prius de L. Murenae fortuna conquerar. Nam cum saepe antea, judices, et ex aliorum miseriis, et ex meis curis laboribusque quotidianis, fortunatos eos homines judicarem, qui, remoti a studiis ambitionis, otium ac tranquillitatem vitae secuti sunt: tum verò in his L. Murenae tantis tamque improvisis periculis ita sum animo affectus, ut non queam satis neque communem omnium nostrum conditionem, neque hujus eventum fortunamque miserari: qui prium dum ex honoribus continuae familiae, majorumque suorum, unum ascendere gradum dignitatis conatus est, venit in periculum, ne et ea quae relictæ, et haec quae ab ipso parta sunt, amittat: deinde propter studium novae laudis, etiam in veteris fortunae discrimen adducitur. Quae cum sunt gravia, judices, tum illud acerbissimum est, quod habet eos accusatores, non qui odio inimicitarum ad accusandum, sed qui studio accusandi ad inimicitias descenderent. Nam, ut omittam Ser. Sulpicium, quem intelligo non injuriā L. Murenae, sed honoris contentione permotum: accusat paternus amicus, Cn. Posthumius, vetus, ut ait ipse, vicinus, ac necessarius, qui necessitudinis causas complures protulit, simultatis nullam commemorare potuit: accusat Ser. Sulpicius, sodalis filii, cuius ingenio paterni omnes necessarii munitiores esse debebant: accusat M. Cato, qui quanquam à Murena nullâ re unquam alienus fuit, tamen eâ conditione nobis erat in hac civitate natus, ut ejus opes et ingenium praesidio multis etiam alienissimis, exitio vix cuiquam inimico esse deberet. Respondebo igitur Posthumio primū, qui nescio quo pacto mihi videtur (29) praetorius candidatus in consularem, quasi desultorius in quadrigarum curriculum incurrere. Cujus competitores, si nihil deliquerunt, dignitati eorum concessit, cum petere destitit: sin autem eorum aliquis largitus est, expetendus amicus est, qui alienam potius injuriam, quam suam persequatur.

XXVIII. Venio nunc ad M. Catonem, quod est firmamentum ac robur totius accusationis; qui tamen ita gravis est accusator et vehemens, ut multò magis ejus auctoritatem quam criminationem

NOTES.

(29) *Praetorius candidatus in consularem, quasi desultorius in quadrigarum curriculum incurrere.*] The metaphor is taken from the dexterity of those who, in horse-races, could vault from one horse to another without interrupting the course. For Posthumius, a candidate for the praetorship, had quitted his pretensions to that dignity, in the view of impeaching Murena, a candidate for the consulship. This was truly matter of surprise. For why did he not rather prosecute some of his fellow-candidates? Did he expect to see this task undertaken

by some friend, who was to entangle himself in avenging another's injuries? This, says Cicero, is as if one of your vaulters, instead of jumping from one horse upon another, should spring into a chariot and four, and thereby change the course from a horse to a chariot race. Livy alludes to these *desultorii*, or vaulters, in his thirty-third book, when he says, "desultorum in modo binos trahentibus equos, inter acerrimam saepe pugnam in recentem equum ex fesse armatis transultare moris erat."

SECR. XXVII. But first let me premise somewhat by way of complaint, touching the present hard fortune of Murena, which has made a very sudden impression upon my mind. I have often before this, my lords, from a consideration of the miseries of others, and the daily toils and cares to which I am exposed, been tempted to think those the happiest men, who, remote from the pursuits of ambition, courted ease and tranquillity of life: but now that I behold the great and unexpected dangers which threaten Murena, I am so struck with concern, that I cannot sufficiently bemoan our common lot, nor the fate and fortune of my friend; who, upon his very first attempt to mount one step above those honours, which have been so long in the possession of his family and ancestors, saw himself in danger, not only of losing all he inherited from them, but even the acquisitions of his own industry, insomuch that his pursuit of new praise threatens the entire subversion of his former fortune. These, my lords, are real hardships: but what is still more afflicting in the case of my friend, his accusers have not been prompted to this impeachment by any motives of personal resentment, but have been drawn into personal resentment by their zeal for impeaching. For, not to mention Servius Sulpicius, whose animosity against Murena flows not from any injurious treatment, but a dispute about preference; he is accused by Cn. Posthumius, his father's friend, who owns him for his old acquaintance and intimate companion, and who assigns many reasons why he should love Murena, but can offer none to justify his hatred: he is accused by Servius Sulpicius, the companion of his son, whose amiable character should strengthen the attachment of his father's friends: he is accused by M. Cato, who not only has no particular ground of quarrel with Murena, but seems born to employ his interest and talents for the protection of the merest strangers, without suffering them to prove destructive even to his greatest enemy. I will therefore first reply to Posthumius, who, though a solicitor for the praetorship, seems to me, I can't tell why, to run full against a consular candidate, as if a vaulter on horseback into the seat of a chariot. If his competitors were no way in fault, he has only yielded to their dignity, in dropping his pretensions: but if any of them has bribed, a friend must be sought for, to prosecute another's injuries rather than his own.....

SECT. XXVIII. I come now to M. Cato's charge, which is the prop and strength of this whole impeachment, and whose zeal and reputation carry so much weight, that I am more afraid of his authority than his accusation. And here, my lords, give

pertimescam. In quo ego accusatore, judices, primùm illud deprecabor, ne quid L. Murenae dignitas illius, ne quid exspectatio tribunatūs, ne quid totius vitae splendor et gravitas noceat; denique ne ea soli huic obsint bona M. Catonis, quae ille adeptus est, ut multis prodesse posset. Bis consul fuerat P. Africinus, et duos terrores hujus imperii, Cathaginem Numantiamque deleverat, cùm accusavit L. Cottam. Erat in eo summa eloquentia, summa fides, summa integritas, auctoritas tanta, quanta in ipso imperio populi Romani, quod illius operā tenebatur. Saepe hoc majores natū dicere audivi, hanc accusatoris eximiam dignitatem plurimū L. Cottae profuisse. Noluerunt sapientissimi homines, qui tum rem illam judieabant, ita quemquam cadere in judicio, ut nimiis adversarii viribus abjectus videretur. Quid? (30) Servium Galbam (nam traditum memoriae est) nonne proavo tuo, fortissimo atque florentissimo viro, M. Catoni, incumbenti ad ejus perniciem, populus Romanus eripuit? Semper in hac civitate nimis magnis accusatorum opibus et populus universus, et sapientes ac multū in posterum prospicientes judices restiterunt. Nolo accusator in judicium potentiam afferat, non vim maiorem aliquam, non auctoritatem excellentem, non nimiam gratiam: valeant haec omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum: in periculo verò, et in pernicie civium repudientur. Nam si quis hoc fortè dicet, Catonem descensurum ad accusandum non fuisse, nisi priùs de causa judicasset: iniquam legem, judices, et miseram conditionem instituet periculis hominum, si existimabit judicium accusatoris in reum pro aliquo praejudicio valere oportere.

XXIX. Ego tuum consilium, Cato, propter singulare animi mei de tua virtute judicium, vituperare non audeo: nonnulla in re forsitan confirmare, et leviter emendare possum. NON MULTA PECCAS, inquit ille fortissimo viro senior magister: SED, PEC-CAS, TE REGERE POSSUM. At ego te verissimè dixerim peccare nihil, neque ulla in re te esse hujusmodi, ut corrigendus potius quam leviter inflectendus esse videare. Finxit enim te ipsa natura ad honestatem, gravitatem, temperantiam, magnitudinem animi, justitiam, ad omnes denique virtutes, magnum hominem et excelsum; accessit his tot doctrina non moderata nec mitis,

NOTES.

(30) *Servium Galbam.*] Galba being accused before an assembly of the people, by Libo, a tribune of the commons, - for having, while praetor in Spain, contrary to the public faith given, treacherously fallen upon the enemy, and put a great number of them to the sword; offered at

no other defence, than by producing his children before the people, and recommending them to the protection and compassion of the assembly. This had so powerful an effect towards mitigating the public resentment, that he was acquitted of the crime laid to his charge.

me leave to entreat, that neither the dignity of the accuser, nor the expectations conceived of his tribuneship, nor the merit and lustre of his whole character, may be of any prejudice to Murena on this occasion: nor let those many good qualities of M. Cato, which he possesses for the benefit of mankind, prove hurtful to him alone. Publius Africanus had been twice consul, and demolished Carthage and Numantia, those two great terrors of the Roman empire, when he accused L. Cotta. He was possessed of the most consummate eloquence, the most untainted honour, and the most unblemished integrity; and his authority was equal to that of the whole empire of the Roman people, which was supported chiefly by his services. And yet I have often heard people of advanced age declare, that this eminent merit of the accuser was of the highest service to L. Cotta. For the judges in that cause, who were men of the most distinguished prudence, thought it dangerous to leave any room to suspect that the criminal had been borne down by the superior weight of his adversary. Did the people of Rome rescue Servius Galba (for so tradition informs us) from the hands of your great-grandfather, M. Cato, a brave and illustrious citizen, who was bent upon his destruction? It appears, in the history of this state, that the people in general, and all wise judges, who had the good of posterity in view, have ever been jealous of the power and interest of an accuser. I like not to see an impeacher appear in court with an overbearing power, with superior interest, with a prevailing authority, and too extensive a credit. Let all these advantages prevail for the safety of the innocent, the protection of the helpless, and the relief of the miserable: but let their influence be repelled from the dangers and destruction of citizens. For if any one should say, that Cato would not have taken the pains to accuse, if he had not been assured of the crime, he establishes a very unjust law to men in distress, by making the judgment of an accuser to be considered as a prejudice, or previous condemnation of the criminal.

SECT. XXIX. So great is the opinion I have of your virtue, Cato, that I dare not presume to censure your conduct: in some instances, perhaps, I might be able a little to polish and amend it. Says the aged monitor to his brave pupil, *You are not wrong in many things; but if you are, I know how to set you right.* But I can with great truth say of you, that you are never in fault, nor at any time so far deviate from what is right, as to stand in need rather of correction, than a gentle admonition. For nature herself has formed you to honour, wisdom, temperance, magnanimity, justice; in short, to all the virtues becoming a great and an excellent man. To all these you have added a temper and discipline, not mild and flexible, but, as appears to me, rather

sed, ut mihi videtur, paulò asperior et durior, quām aut veritas aut natura patiatur. Et quoniam non est nobis haec oratio habenda, aut cum imperita multitudine, aut in aliquo conventu agrestium, audaciùs paulò de studiis humanitatis, quae et mihi et vobis nota et jucunda sunt, disputabo. In M. Catone, judices, haec bona, quae videmus divina et egregia, ipsius scitōtē esse propria: quae nonnunquam requirimus, ea sunt omnia non à natura, sed à magistro. Fuit enim quidam summo ingenio vir, Zeno, cuius inventorum aemuli Stoici nominantur. Hujus sententiae sunt et praecepta ejusmodi: sapientem gratiā nunquam moveri, nunquam cujusquam delicto ignoscere; (31) neminem misericordem esse, nisi stultum et levem; viri non esse neque exorari, neque placari; solos sapientes esse, si distortissimi sint, formosos; si mendicissimi, divites; si servitutem serviant, reges; nos autem, qui sapientes non sumus, fugitivos, exsules, hostes, insanos denique esse dicunt; omnia peccata esse paria; omne delictum scelus esse nefarium; nec minus delinquere eum, qui gallum gallinaceum, cùm opus non fuerit, quām eum, qui patrem suffocaverit: sapientem nihil opinari, nullius rei poenitere, nulla in re falli, sententiam mutare nunquam.

¶ XXX. Haec homo ingeniosissimus, M. Cato, auctoribus eruditissimis inductus, arripuit; neque disputandi causâ, ut magna pars, sed ita vivendi. Petunt aliquid publicani? cave quidquam habeat momenti gratia. Supplices aliqui veniunt, miseri et calamitosi? sceleratus et nefarius fueris, si quidquam misericordiā adductus feceris. Fatetur aliquis se peccasse, et ejus delicti veniam petit? nefarium est facinus ignoscere. At leve delictum est? omnia peccata sunt paria. Dixisti quippam? fixum et statutum est. Non re ductus es, sed opinione? sapiens nihil opinatur. Errasti aliqua in re? maledici putat. Hac ex disciplina nobis illa sunt. (32) Dixi in senatu, me nomen consularis can-

NOTES.

(31) *Neminem misericordem esse, nisi stultum et levem.*] Compassion, according to the definition given of it by the Stoics, was a certain disease of the mind, arising from a contemplation of the misery of others labouring under any misfortune. A man, therefore, susceptible of this feeling, was by them considered as weak, unsteady, and of a mean soul, incapable of vigorous designs. Hence Seneca, in his epistle to Lucullus, thus expresses himself: "Stultitia est, cui nihil constat, " nihil diu placet;" that man may deservedly be termed a fool, who discovers no consistency in his behaviour, nor steadiness in his attachments.

(32) *Dixi in senatu, me nomen consu-*

laris candidati delaturum.] What Cicero observes here, could not fail of contributing greatly to lessen the charge against Murena. Cato accuses him, not that in fact he had done any thing contrary to law, but because he had said in the senate, that he was resolved to impeach some consular candidate. Any other person, not infected with the obstinacy of Stoicism, would have made no scruple to own that he had expressed himself so in anger, and therefore now chose to drop his design. But such an acknowledgment was by no means to be expected from Cato, who would thereby seem to deviate from the gravity and firmness of a wise man. Murena therefore must be

rougher and more intractable than either nature or reason require.) And because this speech is not addressed to an illiterate multitude, or an assembly of rustics, give me leave to enlarge a little with regard to these politer studies, which are so well known and grateful both to you and me. Know then, my lords, that those divine and admirable qualities which we discern in Cato, spring truly and properly from himself: but that sometimes he appears to be blemished with defects, is not the fault of his nature, but of education. For there was a man of a sublime genius, named Zeno, whose disciples and followers are called Stoicks. His sentiments and tenets are: that a wise man ought never to be influenced by favour, nor ever to pardon an offence; that it is an argument of weakness and folly, to be softened by sentiments of compassion; that a truly manly character is equally inaccessible to entreaties and prayers; that the wise man alone is beautiful, however distorted in appearance; that he alone is rich, though surrounded with the most abject poverty; and that in the most despicable state of slavery, he only is a king: that we again, who are not entitled to the prize of wisdom, are fugitives, exiles, enemies, and, in short, madmen; that all crimes are equal; that every offence is a mortal sin; that he who smothers a cock, without necessity, is no less guilty than the man who smothers his father: that the wise man never doubts, never repents, is never deceived, and never changes his mind,

SECT. XXX. These are the principles which the ingenuous M. Cato, induced by the reputation of the inventor and his followers, has thought proper to adopt; not for shew and disputation, as is often the case, but to serve as standing rules of behaviour. Do the farmers of the revenue petition for some abatement? take care that nothing be done merely from a principle of favour. Are you addressed in suppliant terms by some people overwhelmed with misery and distress? you are in the highest degree blameable and guilty, if you give the least ear to the dictates of compassion. Does a man acknowledge his fault, and humbly sue for pardon? it were a crime of the deepest dye to forgive. But is it a slight offence? all faults are alike. Have you once said a thing? it is fixed and unalterable. But you did not decide in the matter, you only gave your opinion? a wise man has no opinion. Does any one pretend you have been mistaken? this is construed into the highest affront. 'Tis to these doctrines that we are indebted for the present prosecution. I said in the senate, that I would impeach one of the consular candidates. But you ~~were~~ in a passion when you said so. A

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impeached, because the Stoicks thought a wise man, and Cato claimed that character inconsistent with the character of belonging to himself.

didati delaturum: iratus dixisti; nunquam, inquit, sapiens irascitur. At temporis causâ: improbi, inquit, hominis est mendacio fallere; mutare sententiam, turpe est; exorari, scelus; misereri, flagitium. Nostri autem illi (fatebor enim, Cato, me quoque in adolescentia, diffisum ingenio meo, quaesisse adjumenta doctrinae); nostri, inquam, illi à Platone et Aristotele, moderati homines, et temperati, aiunt, apud sapientem valere aliquando gratiam; viri boni esse misereri; distincta esse genera delictorum, et dispares poenas; esse apud hominem constantem ignoscendi locum; ipsum sapientem saepe aliquid opinari, quod nesciat; irasci nonnunquam; exorari eundem, et placari; quod dixerit, interdum, si ita rectius sit, mutare; de sententia decidere aliquando; omnes virtutes mediocritate quâdam esse moderatas.

XXXI. Hos ad magistros si qua te fortuna, Cato, cum ista natura detulisset; non tu quidem vir melior esses, nec fortior, nec temperantior, nec justior (neque enim esse potes), sed paulo ad lenitatem propensior; non accusares nullis adductus inimicitiis, nullâ lacesitus injuriâ, pudentissimum hominem, summâ dignitate atque honestate praeditum: putares, cùm in ejusdem anni custodia, te atque L. Murenam fortuna posuisset, aliquo te, cum hoc reipub. vinculo esse conjunctum; quod atrociter in senatu dixisti, aut non dixisses, aut seposuisses, aut mitiorem in partem interpretarere. Ac te ipsum, quantum ego opinione auguror, nunc et animi quodam impetu concitatum, et vi naturae atque ingenii elatum, et recentibus praceptorum studiis flagrantem jam usus flectet, dies leniet, aetas mitigabit. Etenim isti ipsi mihi videntur vestri praecceptores et virtutis magistri (33) fines officiorum paulò longiùs quam natura vellet, protulisse; ut cùm ad ultimum animo contendissemus, ibi tamen, ubi oporteret, consisteremus. Nihil ignoveris: immò aliquid, non omnia. Nihil gratiae causâ feceris: immò resistito gratiae, cùm officium.

NOTES.

(33) *Fines officiorum.*] By this we are to understand the extreme and ultimate point, as it were of duty; what the Greeks denoted by the word *τέλος*. The metaphor is taken from the boundaries of lands, which serve to divide and mark their proper limits. Cicero here insinuates, that the Stoics had extended the bounds of virtue beyond what the nature of things would allow, placing the ultimate perfection of goodness in a certain

rígour and inflexible severity, that exceeded the reach and condition of human nature. "Quando enim," says Camerarius, "ad illud rectum, quod ipsi *κατέ-*" "*θερη* pervenietur, aut quae hujus erit " usurpatio in convictu et consuetudine " hominum? Fuisse igitur hoc consilium " illorum Cicero putat, non quod perver- " niri ad tantam perfectionem posse cre- " derent, sed ut annitentes procederent " longius."

wise man, returns he, is never in a passion. The particular conjuncture, perhaps, required such a declaration. None but a rogue will deceive by a lie. To alter one's sentiments, is shameful; to yield to prayers and entreaties, a crime; and to be compassionate, a scandalous weakness. But the masters that I followed (for I will own to you, Cato, that, in my youth, distrusting my own capacity, I too sought assistance from learning), the masters, I say, that I followed, who had formed themselves upon the principles of Plato and Aristotle, and professed a more moderate and reasonable philosophy, tell me, that a wise man is sometimes swayed by affection; that compassion is essential to the character of a good man; that faults differ in kind and degree, and ought therefore to differ also in respect to punishment; that steadiness is not inconsistent with a disposition to forgive; that the sage frequently contents himself with opinions, where he finds it impossible to arrive at absolute certainty; that he is sometimes liable to anger; that he may be softened and appeased; that he scruples not to depart from what he has said, where reason prompts him so to do; that he sometimes changes his mind; and that all virtue consists in a certain mediocrity?

SECT. XXXI. Had it been your fortune, Cato, with that disposition you inherit from nature, to have studied under masters like these, you would not, indeed, have been a better, a bolder, a more temperate, or a juster man, for that were impossible; but you would have been a little more inclinable to gentleness. You would not, without either injury or provocation, have accused the most modest man upon earth, and one eminent for his merit and dignity: you would have thought, as fortune had destined you both to magistracies the same year, that there was a sort of political relation subsisting between you: and, as to the invectives you threw out against him in the senate, you either would have suppressed them altogether, or put them off till another time, or, at least, considerably softened their asperity. But, as far as I am able to judge, experience will bend, age mitigate, and length of time qualify that impetuosity of spirit, that predominant force of nature and genius, which at present, through the recent impressions of philosophy, hurry you on to a kind of savage and stubborn virtue. For, in my opinion, your teachers and professors of wisdom have stretched the bounds of moral duty rather beyond what nature requires. Our desires, indeed, should prompt us to aim at the highest perfection; yet still prudence must determine where it will be proper to stop.—You are for pardoning nothing. Many things, it must be owned, are without the reach of pardon; yet some, at least, have a reasonable claim. You utterly disclaim the influence of favour or affec-

et fides postulabit. Misericordiâ commotus ne sis; etiam, in dissolvenda severitate; sed tamen est laus aliqua humanitatis. In sententia permaneto: verò, nisi sententia alia vicerit melior. Hujuscemodi Scipio ille fuit, quem non poenitebat facere idem, quod tu: habere eruditissimum hominem, et pene ~~eruditissimum~~ domi: cujus oratione et praeceptis, quanquam erat eadem ista quae te delectant, tamen asperior non est factus, sed, ut accepi à senibus, lenissimus. Quis verò C. Laelio comior? quis jucundior, eodem ex studio isto? quis illo gravior? sapientior? (34) Possum de L. Philippo, de C. Gallo dicere haec eadem: sed te domum jam deducam tuam. Quemquamne existimas Catone proavo tuo commodiorem, comiores, moderatiorem fuisse ad omnem rationem humanitatis? de cujus praestanti virtute cùm veré graviterque dices, domesticum te habere dixisti exemplum ad imitandum. Est illud quidem exemplum tibi propositum domi: sed tamen naturæ similitudo illius ad te magis, qui ab illo ortus es, quam ad unumquemque nostrum pervenire potuit: ad imitandum verò tam mihi propositum exemplar illud est, quam tibi. Sed si illius comitatem et facilitatem tuae gravitati severitatique adsperseris, non ista quidem erunt meliora, quae nunc sunt optima, sed certè condita jucundiùs.

XXXII. Quare, ut ad id quod institui revertar, tolle mihi è causa nomen Catonis: remove, ac praetermitte auctoritatem, quae in judiciis aut nihil valere, aut ad salutem debet valere: congregere mecum criminibus ipsis. Quid accusas, Cato? quid affers in judicium? quid arguis? Ambitum accusas? non defendo. Me reprehendis, quod idem defendam, quod lege puniverrim? punivi ambitum, non innocentiam: ambitum verò ipsum vel tecum accusabo, si voles.—Dixisti senatusconsultum, me referente, esse factum, si mercede corrupti; obviam candidatis issent, si conducti sectarentur, si gladiatoribus vulgo locus tributus, et item prandia si vulgo essent data; contra legem Calpurniam factum videri. Ergo ita senatus judicat, contra legem facta haec videri, si facta sint; decernit, quod nihil opus est, dum candidatus morem gerit. Nam factum sit, necne, ve-

NOTES.

(34) *Possim de L. Philippo.*] As Manutius strongly contends that some errors must have crept in here, I shall transcribe his whole note upon this passage, for the satisfaction of the curious reader: “*Locus unus ex iis, quibus, contra veteres libros, conjecturam libenter sequor. Quis enim historiae peritus, de L. Philippo, non probabit magis, quam de L. Philippo; Philus doctrina, et sapientia clarus: itaque conjungitur, item ut hic, cum Scipione, Laelio, Catone, in oratione pro Archia.*” Cap. 7. “*Esse*

“hunc numero, quem patres nostri vide-
“runt, divinum hominem Africanum;
“ex hoc C. Laelium, L. Furium, modes-
“tissimos homines et continentissimos;
“ex hoc fortissimum virum, et illis tem-
“poribus doctissimum M. Catonem il-
“lum senem.” Sic et aliis in locis. “At de
“L. Philippo, tanquam sapiente, et doc-
“to quae loquitur historia?” I cannot,
however, but observe, in opposition to the
above remark of Manutius, that Cicero,
in his Brutus, speaks of Philippus as a man
perfectly skilled in the Greek learning,

tion. By all means stifle these emotions, where honour and duty require you so to do. You think it criminal to yield to the dictates of compassion: it is so in cases that require severity; but, on many occasions, humanity is praise-worthy. Persevere in your resolutions. True; unless some better resolutions offer upon a clearer view of things. Such were the sentiments of the great Scipio; who, like you, was not ashamed to keep at his house a man of profound learning, and ~~almost~~ approaching to divinity: whose precepts and conversation, though the same with those which you so much admire, were yet so far from rendering him untractable, that, as I have learnt from some of his contemporaries, he was the gentlest of all men. Who was more affable, who more agreeable, than C. Laelius, though a follower of the same philosophy? At the same time, who was there that equalled him in weight and wisdom? I might say the same of L. Philippus and C. Gallus; but let me now lead you into your own family. Do you believe that your great-grandfather, Cato, fell short of any man in affability, politeness, complaisance, and the most extensive humanity; accordingly, when you spoke so fully and feelingly of his eminent virtues, you told us that you had a domestic model for your imitation. He is indeed an unexceptionable model; but the similarity of genius may be more conspicuous in you, who are so nearly allied to him by descent: yet still is he no less an example for my imitation than yours. But, were you to temper your austerity and gravity with his affability and politeness, it would not indeed add to the excellency of your virtue, which is already perfect, but it would at least, by a proper seasoning, render it more agreeable.

SECT. XXXII. To return, then, to the point in question, away with the name of Cato from this cause; think no more of an authority which, in a court of justice, ought to avail nothing, or, at least, only to save. Join issue with me upon the crimes themselves. What is your accusation, Cato? what do you charge him with before the judges? upon what does the indictment turn? Do you impeach him of corruption? it is a crime that admits of no defence. You blame me for defending a cause that falls under the censure of my own law. That law was made against corruption, not against innocence; nor is corruption less criminal in my eyes than in yours. You tell me, that a decree passed in the senate at my instance, declaring it an infringement of the Calpurnian law, for candidates to procure attendants and followers by distributing money, by exhibiting shews of gladiators, or entertaining the populace with dinners. The senate then judges these things, if done, to be contrary to law; but, where a candidate yields exact obedience, then nothing is decreed against him. The great question therefore is, whether the

hementer quaeritur; si factum sit, quin contra legem sit, dubitare nemo potest. Est igitur ridiculum, quod est dubium, id relinquere incertum; quod nemini dubium potest esse, id judicare. Atque id decernitur, omnibus postulantibus candidatis: ut ex S. C. neque cuius intersit, neque contra quem sit, intelligi possit. Quare doce, à L. Murena illa esse commissa; tum egomet tibi contra legem commissa esse concedam.

XXXIII. (35) Multi obviam prodierunt de provincia decedenti, consulatum petenti: solet fieri; eccui autem non proditur revertenti? quae fuit ista multitudo? Primum, si tibi istam rationem non possim reddere, quid habet admirationis, tali viro advenienti, candidato consulari, obviam prodisse multos? quod nisi esset factum, magis mirandum videretur. Quid si etiam illud addam, quod à consuetudine non abhorret, rogatos esse multos? num aut criminosum sit aut mirandum, qua in civitate rogati infimorum hominum filios propè de nocte ex ultima saepè urbe deductum venire soleamus, in ea non esse gravatos homines prodire horâ tertiatâ in campum Martium, praesertim talis viri nomine rogatos? Quid, si omnes societas venerunt, quarum ex numero multi hic sedent judices? quid, si multi homines nostri ordinis honestissimi? quid, si illa officiosissima, quae neni nem patitur non honestè in urbem introire, tota natio candidatorum? si denique ipse accusator noster Posthumius obviam cum magna caterva sua venit; quid habet ista multitudo admirationis? omitto clientes, vicinos, tribules, exercitum totum Luculli, qui ad triumphum per eos dies venerat; hoc dico, frequentiam in isto officio gratuitam, non modò dignitati ullius unquam, sed ne voluntati quidem defuisse. At sectabantur multi. Doce, mercede; concedam esse crimen: hoc quidem remoto, quid reprehendis?

XXXIV. Quid opus est, inquit, sectatoribus? à me tu id quaeris, quid opus sit eo, quo semper usi sumus? Homines tenues unum habent in nostrum ordinem aut promerendi aut proferendi beneficij locum, hanc in nostris petitionibus operam, at-

NOTES.

(35) *Multi obviam prodierunt—rogatos esse multos.*] Cicero here produces the arguments offered by Cato, to prove that Murena had acted contrary to the laws. First, a great number of people had gone to meet Murena on his return to Rome. But Cicero observes, that there could be no reason to suppose from thence they were corrupted, since the thing was customary, and a piece of respect always paid to governors of provinces, who had

distinguished themselves by their merit, and the integrity of their administration. A second argument was, that he had solicited a number of friends and followers to attend him to the field of Mars on the day of election. Cicero replies, that this too was a common practice, even in the case of persons of the meanest rank; and therefore could not, with any shadow of reason, be denied to a man of the first authority in the commonwealth.

fact was committed? for, that once proved, there can be no doubt as to the infringement of the law. Now it is ridiculous to leave that which is doubtful without a thorough examination, and to try a point that can admit of no doubt. For it was at the desire of all the candidates that this decree passed, that it might never be known against whom, or in whose favour, the law was intended. Prove, then, that L. Murena was guilty of these overt acts, and I shall, without hesitation, allow that they are expressly contrary to law.

SECT. XXXIII. A great many people, you say, went out to meet him, when he returned from his province, to stand for the consulship. This is no more than common: what man, on his return home, is not met by a multitude of his friends? But who were those numbers? First, supposing I was unable to satisfy you in this point, yet what reason is there to wonder, that a great many went to meet a citizen so illustrious for his merit, and a consular candidate? had it been otherwise, the wonder would have been much greater. What if I should even say, since the custom is by no means unusual, that a great many were invited? is it either criminal, or a matter of surprise, that in a state where we scruple not upon invitation to attend the sons of the meanest citizen, even before day, and from the most remote parts of the city, men should think it no trouble to appear in the field of Mars by nine o'clock, especially when invited in the name of so illustrious a citizen? What if all the several companies had come, from amongst whom many may now sit here as judges? what if many of the most distinguished men of our order? what if the whole officious race of candidates, who never suffer a man to enter the city without paying him some mark of respect? if, in short, our accuser himself, Posthumius, had come to meet him at the head of a great retinue, what is there wonderful in all this multitude of attendants? I say nothing of his clients, his neighbours, those of the same tribe, nor of the army of Lucullus, which was then come to Rome to attend the triumph of their general. I will venture to affirm, that this gratuitous concourse of friends upon such an occasion, was never wanting to support the dignity, nay, even to answer the desire of whoever required it. But he had a vast train of followers: shew them to have been hired, and I'll allow it criminal; but if that does not appear, how can you deem him guilty?

SECT. XXXIV. But what occasion, says our adversary, for all that train of followers? Do you ask me what occasion there is for a practice which has been so long in general use? Men of low condition have only this method of meriting or requiting the ser-

que affectationem; neque enim fieri potest, neque postulandum est à nobis, aut ab equitibus Romanis, ut suos necessarios candidatos sectentur totos dies; à quibus si domus nostra celebratur, si interdum ad forum deducimur, si uno basilicae spatio honestamur, diligenter observari videmur et coli. Tenuiorum et non occupatorum amicorum est ista assiduitas, quorum copia bonis et beneficis deesse non solet. Noli igitur eripere hunc inferiori generi hominum fructum officii, Cato: sine eos, qui omnia à nobis sperant, habere ipsos quoque aliquid, quod nobis tribuere possint. Si nihil erit praeter ipsorum suffragium, tenue est: (36) si, ut suffragantur, nihil valent gratia; ipsi denique, ut solent loqui, non dicere pro nobis, non spondere, non vocare domum suam possunt; atque haec à nobis petunt omnia; neque ullâ re aliâ, quae à nobis consequuntur, nisi operâ suâ, compensari putant posse. Itaque (37) et legi Fabiae, quae est de numero sectatorum, et S. C. quod est L. Caesare consule factum, restiterunt; nulla est enim poena, quae possit observantiam tenuiorum ab hoc vetere instituto officiorum excludere. At spectacula sunt tributim data, et ad prandium vulgo vocati. Etsi hoc

NOTES.

(36) *Si, ut suffragantur, nihil valent gratia.*] As this seems to be a very obscure passage, and has occasioned no small trouble to commentators, I shall, for the reader's information, transcribe the remark of Terratius upon it. "Manutius," says he, "hoc totum abundare arbitrat- tur, et nihil omnino requiri post illud: si nihil erit praeter ipsorum suffragium, tenue est. Ego et necessarium alterum illud membrum esse judico ad absolu- vendam sententiam, et duobus modis exponi posse contendeo. Nam suffra- gari nihil aliud est, et significat, quam suum dare suffragium, ne ab ipsius verbi notione recedatur. Jam constat, hanc superioris membra esse approba- tionem: si nihil erit praeter ipsorum approbationem, tenue est; nimirum, si in referenda gratia nobilibus viris, pro tot ac tantis sibi collatis beneficiis, nihil tenuiores habeant praeter suffragium, tenuis admodum est compensatio. Qua de causa? si, ut suffragantur, nul- la valent gratia; quoniam, prout suf- fragantur, et in ferendis suffragiis, nul- la tenuiorum gratia est. Hac eadem oratione, cap. 23. ubi agitur de postu- latis Sulpicii a senatu repudiatis: Con- fusionem suffragiorum flagitasti, proro- gationem legis Maniliae, aequationem gratiae, dignitatis, suffragiorum. Lex Manilia, jam vel abrogata, vel repudiata, jubebat, confusis omnium centuria- rum suffragiis, eos esse consules (idem- que puta de caeteris magistratibus) qui

"plura tulissent. Eadem lex ut restitu- eretur, Sulpicius petebat: cui si senatus assensus fuisset, primo nullius centu- riae beneficium apparuisset; hinc tolle- batur gratia: deinde omnes simul om- nium classium centuriae suffragium tu- lisserent; hinc dignitatem, et jus suorum suffragiorum, primae et secundae clas- sis centuriae amitterebant, a quibus ple- rumque absolvebantur comitia. Habet igitur, duas tantum classes, ut pluri- mum, gratia valuisse in ferendis suf- fragiis, hoc est in suffragando, quod fe- re ab iis absolverentur comitia centuri- ata, de quibus loquimur, antequam re- liquae classes introvocarentur, prouide- que tertia, quarta in quinta, in suffra- gando, nulla gratia valebant. Hi erant tenuiores, de quibus ut pateat vere es- se dictum: Si nihil erit praeter ipsorum suffragium, tenue est; additur ratio: Si (pro quoniam) ut suffragantur (procul suffragium ferunt) nulla valent gratia." Thus Terratius; and yet, perhaps, the meaning may be more than this, that a single vote is all they have to bestow, which at best is but a small affair, as they have no weight, interest, nor authority, beyond their personal suffrage.

(37) *Et legi Fabiae, et senatus consulta.*] The Fabian law against corruption limited the number of followers that were to attend a candidate into the field of Mars. But the people strenuously opposed this law, and could be deterred by no penalties from expressing this mark of their

vices of us senators, by their assiduity and attendance while we stand candidates for public offices. For it is neither possible, nor indeed to be required of us and the Roman knights, that we should attend our friends for whole days together in their demand of public honours. If they frequent our houses, if they sometimes conduct us to the forum, if they give us their company a piazza's length, we seem to be sufficiently honoured and respected. The assiduity of constant attendance is never expected but from men of ordinary rank, and free from the incumbrance of business; and of these, the good and generous are never without a sufficient number. Do not therefore, Cato, deprive the lower order of mankind of this fruit of their good offices. Suffer them, who hope every thing from us, to have it likewise in their power to pay us somewhat in return. Had we nothing to expect from them but their votes, it would avail us little, because they have no great weight in elections. In short, as they themselves are wont to say, they cannot plead for us, they cannot bail us, they cannot invite us to their houses; these are services they expect from us: nor have they any prospect of requiting the good offices we do them, but by the zeal and assiduity of their attendance. Accordingly they opposed both the Fabian law, which limited the number of attendants, and the decree of the senate, which was made in the consulship of L. Caesar: for no penalty has yet been found sufficient to restrain people of meaner rank from this old method of expressing their attachment to the great. But public shews were exhibited to the tribes, and dinners were given to the populace. Though this,

NOTES.

regard for the great, founded in antient custom. As to the decree of the senate here mentioned, it is to be referred to the year when Cicero declared himself a candidate for the consulship. He had no less than six competitors, P. Sulpicius Galba, L. Sergius Catiline, C. Antonius, L. Cassius Longinus, Q. Cornificius, C. Licinius sacerdos. The two first were patricians, the two next plebeians, yet noble; the two last, the sons of fathers who had first imported the public honours into their families. Cicero was the only new man among them, or one born of equestrian rank. In this competition, which happened during the consulship of L. Caesar and C. Figulus, the practice of bribing was carried on so openly and shamefully by Antonius and Catiline, that the senate thought it necessary to give some check to it by a new and more rigorous law; but when they were proceeding to publish it, L. Mucius Orestinus, one of the tribunes, put his negative upon them. This tribune had been Ci-

cero's client, and defended by him in an impeachment of plunder and robbery; but having now sold himself to his enemies, made it the subject of all his harangues to ridicule his birth and character, as unworthy of the consulship. In the debate, therefore, which arose in the senate upon the merit of his negative, Cicero, provoked to find so desperate a confederacy against him, rose up, and after some raillery and expostulation with Mucius, made a most severe invective on the flagitious lives and practices of his two competitors, in a speech usually called *in toga candida*, because it was delivered in a white gown, the proper habit of all candidates, and from which the name itself was derived. In this speech he counsels the senate to limit the number of attendants upon a candidate; but the tribune still persisting in his negative, the proposal came to nothing; so that there was no law now in force which Murena could be said to have infringed.

factum à Murena omnino, judices, non est; ab ejus amicis autem more et modo factum est: tamen admonitus re ipsâ, recordor quantum hae questiones in senatu habitae punctorum nobis, Servi, detraxerint. Quod enim tempus fuit aut nostrâ, aut patrum nostrorum memoriâ, quo haec, sive ambitio est, sive liberalitas, non fuerit, ut locus et in circo, et in foro daretur amicis et tribulibus? haec homines tenuiores primùm, nedum qui à suis tribulibus vetere instituto assequebantur.

XXXV. Praefectum fabrûm semel locum tribulibus suis dedisse: quid statuerit in viros primarios, qui in circo totas tabernas, tribulum causâ, comparârunt? haec omnia sectatorum, spectaculorum, prandiorum item crimina, à multitudine in tuam nimiam diligentiam, Servi, conjecta sunt; in quibus tamen Murena ab senatûs auctoritate defenditur. Quid enim? Senatus num obviam prodire crimen putat? non; sed mercede: convince: num sectari multos? non, sed conductos: doce conductos: num locum ad spectandum dare, aut ad prandium invitare? minime; sed vulgo passim. Quid est vulgo? universos: non igitur, si L. Natta, summo loco adolescens, qui, et quo animo jam sit, et qualis vir futurus sit, videmus, in equitum centuriis voluit esse, et ad hoc officium necessitudinis, et ad reliquum tempus gratiosus, id erit ejus vitrico fraudi, aut criminis: nec, si virgo vestalis, hujus propinqua et necessaria, locum suum gladiatorium concessit huic, non et illa piè fecit, et hic à culpa est remotus: omnia haec sunt officia necessariorum, commoda tenuiorum, munia candidatorum. At enim agit mecum austerè et stoicè Cato; negat verum esse, allici benevolentiam cibo: negat judicium hominum in magistratibus mandandis corrumpi voluptatibus opertere. Ergo, ad coenam petitionis causâ si quis vocat, condemnetur; quippe, inquit, tu mihi summum imperium, summam auctoritatem, tu gubernacula reipub. petas fovendis hominum sensibus et deleniendis animis, et adhibendis voluptatibus? utrum lenocinium, inquit, à grege delicate juventutis, an orbis terrarum imperium à populo Romano petebas? Horribilis oratio! sed eam

my lords, was not done by Murena himself, but by his friends, in moderation, and according to custom; yet now that the thing is suggested to my remembrance, I cannot help desiring you to reflect, Servius, how many votes are lost, by bringing these inquiries before the senate. For where was the time, either in our own memory, or that of our fathers, when this spirit, whether of ambition or liberality, did not allot a place in the circus and the forum to our friends, and those of our own tribe? This custom began amongst the lower order of people, and by degrees spread.....

SECT. XXXV. It is known that the master of the artizans once allotted a place to those of his own tribe: what shall we determine then with respect to men of quality, who hire whole booths in the circus for the same purpose? All these accusations, Servius, regarding retinue, shews, and even entertainments, are attributed by the multitude to your over-scrupulous exactness; when Murena is even justified in these points by the authority of the senate. For, tell me, does the senate think it criminal for a person to be met upon his return home? No; unless he hires people for that purpose. Prove this, then, upon my client. Does it forbid a multitude of attendants? only when they are bribed. Make this appear. Are seats at public shews, or invitations to dinner, prohibited? never but when they are given promiscuously. But how promiscuously? why, to all without exception. If L. Natta, a youth of distinguished birth and courage, of whom we justly conceive the highest hopes, enrolled himself in the centuries of knights, to conciliate their favour, and secure their interest for the time to come, ought that to be imputed to his stepfather as a crime or fraudulent step? or if a vestal virgin, his relation and friend, resigned to him her seat at a shew of gladiators, was it not a proof of affection in her, and a favour he might expect without danger of censure? All these are no more than the duties of friends, the perquisites of inferiors, and the privileges of candidates. But Cato argues with austerity, and in the character of a Stoic. He says it is unjust to conciliate favour by giving entertainments to the people; that, in conferring offices, the votes ought not to be influenced by the allurements of pleasure; and that if a candidate invites another to supper with this view, his conduct is justly liable to censure. What, says he, do you solicit the chief command, the highest authority, and the administration of the commonwealth, by pampering the senses, soothing the inclinations, and administering to the pleasures of mankind? Do you aspire to be master of the revels to a troop of delicate youths, or to obtain the command of the world from the Roman people? An alarming

usus, vita, mores, civitas ipsa respuit. Neque tamen Lacedaemonii, auctores istius vitae atque orationis, qui quotidianis epulis in robore accumbunt: neque verò Cretes, quorum nemo gustavit unquam cubans, melius quam Romani homines, qui tempora voluptatis laborisque dispergiunt, resplicas suas retinuerunt: quorum alteri uno adventu nostri exercitus deleti sunt, alteri nostri imperii praesidio disciplinam suam, legesque conservant.

XXXVI. Quare noli, Cato, majorum instituta, quae res ipsa publica, quae diuturnitas imperii comprobat, nimium severâ oratione reprehendere. (38) Fuit eodem ex studio vir eruditus apud patres nostros, et honestus homo et nobilis, Q. Tubero: is, cum epulum Q. Maximus, Africani patrui sui nomine, populo Rom. daret, rogatus est à Maximo, ut triclinium sterneret, cum esset Tubero ejusdem Africani sororis filius: atque ille, homo eruditissimus, ac Stoicus, stravit pelliculis hoedinis lectulos Punicanos, et exposuit vasa Samia: quasi verò esset Diogenes Cynicus mortuus, et non divini hominis Africani mors honestaretur: quem cum supremo ejus die Maximus laudaret, gratias egit diis immortalibus, quod ille vir in hac republica potissimum natus esset: necesse enim fuisse, ibi esse terrarum imperium, ubi ille esset. Hujus in morte celebranda graviter tulit populus Rom. hanc perversam sapientiam Tuberonis; itaque homo integerimus, civis optimus, cum esset L. Paulli nepos, P. Africani, ut dixi, sororis filius, his hoedinis pelliculis praeturâ dejectus est. Odit populus Rom. privatam luxuriam, publicam magnificentiam diligit; non amat profusas epulas; sordes et inhumanitatem multo minus. Distinguit rationem officiorum ac temporum, vicissitudinem laboris ac voluptatis. Nam, quod ait, nullâ re allici hominum mentes oportere ad magistratum mandandum, nisi dignitate: hoc tu ipse, in quo summa est dignitas, non servas; cur enim quemquam, ut studeat tibi, ut te adjuvet, rogas? rogas tu me, ut mihi praeasis, ut committam ego me tibi; quid tandem? istuc me rogari oportet abs te, an te potius à me, ut pro mea sa-

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(38) *Fuit eodem studio Q. Tubero.*] Cicero here ridicules the doctrine of the Stoicks, shews the absurdities into which it may betray a man, and paints the ill consequences that often arise from it. Q. Tubero, of whom he speaks here, had professed himself a Stoic, and resolved to regulate his conduct by the tenets of that sect. Accordingly, in an entertainment he gave the Roman people, on occasion

of the death of the great Scipio Africanus, he made use of plain wooden beds, goat-skin covers, and earthen dishes. But this ill-timed parsimony was so displeasing to the Roman people, that, when he afterwards stood for the praetorship, they refused him their suffrages, though a man of illustrious birth, and the most distinguished virtue.

speech! but refuted by our lives, our manners, our practice, and the constitution itself. For neither the Lacedemonians, the first institutors of this way of living and talking, who at their daily meals recline upon a hard board: nor the Cretans, who never indulge themselves in a lying posture at table, have been more successful in the management of public affairs than the Romans, who divide their time between business and pleasure. Nay, let me add, that the Cretans were destroyed in a single campaign; and the Lacedemonians are indebted to our protection, for the preservation of their laws and constitutions.

SECT. XXXVI. Therefore, Cato, censure not too severely these customs of our ancestors, which our present flourishing condition, and the long continuance of our empire, sufficiently justify. Q. Tubero, a man of learning in the days of our forefathers, and distinguished by his birth and personal merit, had imbibed the same principles which you follow. When Q. Maximus, in memory of his uncle Africanus, was preparing an entertainment for the Roman people, he desired this Tubero, who was the son of Africanus's sister, to furnish out a dining-room on the occasion. Upon which this learned Stoic covered some plain wooden beds with goat-skins, and loaded them with earthen dishes; as if they had been commemorating the death of Diogenes the cynic, and not of the great Africanus, a man so divine, that when Maximus pronounced his funeral oration, he thanked the immortal gods for his being a native of this commonwealth; because to whatever place his services were attached, there the empire of the universe could not fail to reside. And indeed the people of Rome highly resented this ill-judged wisdom of Tubero, in thus celebrating the obsequies of so great a man. Accordingly this unblemished and excellent citizen, though the grandson of L. Paulus, and the son of Africanus's sister, was tossed in those goat-skins out of the praetorship. The people of Rome hate private luxury, but are fond of public magnificence: they don't love profusion in entertainments, but far less a sordid penurious economy: they know how to distinguish times and duties, and the vicissitudes of labour and pleasure. For as to your assertion, that nothing but merit ought to influence the minds of men, in conferring public honours; your own very practice, great as your merit is, runs directly counter to it. For why do you ask any one to favour your pretensions, and promote your suit? You request me to grant you the command over me, and put myself under your authority. But why so? does it belong to you to request that of me, or ought not I rather earnestly to solicit you to expose yourself to dangers and fatigues for my sake?

lute laborem periculumque suscipias? (39) Quid, quòd habes nomenclatorem? in eo quidem fallis, et decipis. Nam si nomine appellari abs te cives tuos honestum est, turpe est eos notiores esse servo tuo quàm tibi; sin etiam nōris, tamen per monitorem appellandi sunt? cur antè petis, quàm insusurravit? aut quid, cùm admoneris,, tamen quasi tute nōris, ita salutas? quid, posteaquām es designatus, multò salutas negligentiūs? haec omnia ad rationem civitatis si dirigas, recta sunt: sin perpendere ad disciplinae praecepta velis, reperiantur pravissima. Quare nec plebi Romanae eripiendi fructus isti sunt ludorum, gladiatorum, conviviorum; quae omnia majores nostri comparaverunt: nec candidatis ista benignitas adimenda est, quae liberalitatem magis significat, quàm largitionem.

XXXVII. At enim te ad accusandum respub. adduxit. Credo, Cato, te isto animo, atque eâ opinione venisse: sed tu imprudentiâ laberis. Ego quod facio, judices, cùm amicitiae dignitatisque L. Murenae gratiâ facio; tum me p̄acis, otii, concordiae, libertatis, salutis, vitae denique omnium nostrūm causâ facere clamo atque obtestor. Audite, audite consulem, judices, nihil dicam arrogantiūs, tantūm dicam, totos dies atque noctes de republica cogitantem. Non usque eò L. Catilina rempublicam despexit atque contempsit, ut eâ copiâ, quam secum eduxit, se hanc civitatem oppressurum arbitraretur; latiùs patet illius sceleris contagio, quam quisquam putat: ad plures pertinet. (40) Intus, intus, inquam, est equus Trojanus, à quo nunquam, me consule, dormientes opprimemini. Quaeris, à me, quid ego Catilinam metuam? Nihil: et curavi ne quis metueret: sed copias illius, quas hic video, dico esse metuendas: nec tam timendus est nunc exercitus L. Catilinae, quàm isti, qui illum exercitum deseruisse dicuntur: non enim deseruerunt; sed ab illo in speculis atque insidiis relicti, in capite atque in cervicibus nostris restiterunt; hi et integrum consulem, et bonum imperatorem, et natu-

NOTES.

(39) *Quid, quòd habes nomenclatorem?*] As at Rome the people had much to give, and therefore expected to be much courted, every man who aspired to any public dignity, made it his business to learn the name, the place, and the condition of every eminent citizen, what estate, what friends, and what neighbours he had. For this purpose he entertained a slave or two in his family, whose sole employment it was to learn the names, and know the persons of every citizen at sight, so as to be able to whisper them to his master as he passed through the streets, that he might be ready to salute them all familiarly, and shake hands with them as his particular acquaintance. Plutarch says, that the use of these nomen-

clators was contrary to the laws; and that Cato, for that reason, in suing for the public offices, would not employ any of them, but took all that trouble upon himself. But that notion is here fully confuted by Cicero, who rallies the absurd rigour of Cato's stoical principles, and their inconsistency with common life, from this very circumstance of his having a nomenclator. As for Cicero himself, whatever pains he is said to have taken in this way, it appears from several passages in his letters, that he constantly had a nomenclator at his elbow on all public occasions.

(40) *Intus, intus est equus Trojanus.*] The story of the Trojan horse is so well known, from the elegant description

What do you mean by keeping a nomenclator? the thing itself is a mere cheat. For, if it be your duty to call the citizens by their names, it is a shame for your slave to know them better than yourself: but, if you really know them, where is the necessity for a monitor? why do you not speak to them before he has whispered you? or, after he has whispered, why do you salute them, as if you knew them yourself? or, when you have gained your election, why do you grow careless about saluting them at all? All this, if examined by the rules of social life, is right; but, if by the precepts of your philosophy, very wicked. Therefore, neither are the people of Rome to be deprived of the gratification arising from shews, gladiators, and public feasts; all which our ancestors have provided for our entertainment; nor are candidates to be excluded from the privilege of conferring those favours, which are rather marks of generosity than corruption.

SECT. XXXVII. But you tell me, it was your regard for the commonwealth that induced you to undertake this impeachment.—I easily believe, Cato, that you come here with that intention and design; but you obstruct your own purpose, for want of due reflection. For my own part, my lords, I am far from dissembling how much friendship, and a concern for Murena's dignity, weigh with me on this occasion; but at the same time, allow me to declare, nay, and in the strongest terms, proclaim, that I am no less moved by a regard to the peace, ease, concord, liberty, lives, and safety of us all. Hear, hear your consul, who, not to speak arrogantly, thinks of nothing day and night but of the republic. Catiline does not despise us so far as to hope to subdue this city, with the force which he has carried out with him. The contagion is spread wider, and has infected more than you imagine. The Trojan horse is within our walls; which, while I am consul, shall never oppress you in your sleep. If it be asked, then, what reason I have to fear Catiline? None at all; and I have taken care that nobody else need fear him: yet I say, that we have cause to fear those troops of his which I see in this very place. Nor is his army so much to be dreaded, as those who are said to have deserted it: for, in truth, they have not deserted, but are left by him only as spies upon us, and placed as it were in ambush to destroy us the more securely. All these want to see a worthy consul, an experienced general, a man both by

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given of it by Virgil, that there is no occasion to enlarge upon it here. I shall therefore content myself with observing, that our orator, by alluding to it in this place, means to insinuate, that the dan-

ger with which the city was threatened, did not arise from those who had followed Catiline, but from those whom he left behind him in Rome.

râ et fortunâ cum reipub. salute conjunctum, dejici de urbis praesidio, et de custodia civitatis vestris sententiis deturbari volunt. Quorum ego ferrum et audaciam rejeci in campo, debilitavi in foro, compressi etiam domi meac saepe, judices; his vos si alterum consulem tradideritis, plus multò erunt vestris sententiis, quâm suis gladiis consecuti. Magni interest, judices, id quod ego multis repugnantibus egi atque perfeci, esse kalendis Januar. in repub. duos consules. (41) Nolite arbitrari, mediocribus consiliis, aut usitatis viis, aut lege improbabâ, aut perniciosa largitione auditum aliquando aliquid malum reipub. quaeri. Initia sunt in hac civitate consilia, judices, urbis delendae, civium trucidandorum, nominis Romani extinguendi; atque haec cives, cives, inquam, si eos hoc nomine appellari fas est, de patria sua et cogitant, et cogitaverunt: horum ego quotidie consiliis occurro, audaciam debilito, sceleri resisto. Sed vos moneo, judices: in exitu est jam meus consulatus: nolite mihi subtrahere vicarium meae diligentiae: nolite adimere eum, cui remp. cupio tradere incolument, ab his tantis periculis defendendam.

XXXVIII. Atque ad haec mala, judices, quid accedat aliud, non videtis? te, te appello, Cato: nonne prospicis tempestatem anni tui? jam enim hesternâ concione intonuit vox perniciosa designati [tribuni] collegac tui: contra quem multum tua mens, multum omnes boni providerunt, (42) qui te ad tribunatûs petitionem vocaverunt. Omnia, quae per hoc triennium agitata sunt jam ab eo tempore, quo à L. Catilina, et Cn. Pisone initum consilium senatûs interficiendi scitis esse, in hos dies, in hos menses, in hoc tempus erumpunt. Qui locus est, judices? quod tempus? qui dies? quae nox? cùm ego non ex istorum insidiis ac mucronibus non solum meo, sed multò etiam magis divino consilio eripiar atque evolem? neque isti me meo nomine interfici, sed vigilantem consulem de reip. praesidio demovere volunt: nec minus

NOTES.

(41) *Nolite arbitrari.*] This sentence serves to confirm what is advanced immediately before: *Magni interest esse kalendis Januarii in republica duos consules.* The reason is implied in the sentence immediately following; because the commonwealth is threatened with a dangerous attack from the associates and followers of Catiline.—These men, says he, propose not any common attempt against the state; nor endeavour to spirit up the multitude by the promulgation of pestilent laws, or the pernicious arts of corruption, which are the vulgar artifices of factious men; but, by daring counsels, and methods hitherto unpractised, they aim at no less than the utter extinction of the commonwealth, a thing

hitherto unheard of in this city. The designs are more fully explained afterwards, *Initia sunt in hac civitate consilia,* &c.

(42) *Qui te ad tribunatûs petitionem vocaverunt.*] We learn from Plutarch, in his life of Cato, that that Roman retiring into Lucania, to spend some time at an estate he had in the country, suddenly altered his mind, and, by the persuasion of his friends, returned the same day to Rome, with a view of offering himself a candidate for the tribuneship, that he might be the better able to oppose the pernicious designs of Metellus Nepos, who, as he was informed upon his journey, was making interest for the same dignity.

nature and fortunes attached to the interests of the republic, driven by your sentence from the guard and custody of the city. I have already blunted their swords, and checked their audacious attempts in the field of Mars; I have baffled them in the forum, and repressed their rage even within my own house: but should you on this occasion give them up one of the consuls, they will gain much more advantage by your decision, than they have been able to do by their swords. //It is of great importance, my lords, and what I have laboured and effected in spite of much opposition, that there be two consuls in the commonwealth the first of January. //Do not imagine, that in effect of moderate counsels, by common means, a pestilent law, or the pernicious influence of corruption, the republic is threatened with no more than an ordinary danger. Designs have been hatched, my lords, within this state, to destroy the city, murder the citizens, and extinguish the Roman name. Citizens, citizens, my lords, if it be not unlawful to call them by that name, have devised, and at this very time are devising, all these mischiefs against their country. I am daily employed in unravelling their pernicious schemes, crushing their audacious attempts, and opposing the torrent of their guilt. But suffer me to remind you, my lords, that my consulship is upon the point of expiring: withdraw not then him who is to succeed me in my vigilance and care: take not from me the man, to whom I wish to deliver over the commonwealth unviolated, that he may defend it from the mighty dangers to which it is exposed.

SECT. XXXVIII. But, my lords, do you not see the additional evils that threaten us? Here I address you, Cato; have you no foresight of the storm that impends over your magistracy? For so early as yesterday's assembly, the pernicious voice of your colleague-elect thundered in our ears; against which your own prudence, and the joint concurrence of all the honest, who were so anxious to raise you to the tribuneship, have thought it necessary to use much precaution. //All the pernicious schemes that have been in agitation for three years past, since the time that L. Catiline and Cn. Piso formed the design of massacring the senate, are at this period and season, and during these months, ready to burst forth. //Where is the place, my lords, where the time, where the day, where the night, in which I have not been snatched and rescued from the snares and swords of these traitors, less indeed by my own foresight, than by the watchful care of the immortal gods? Nor did their attempts against me flow from personal hatred, but from their desire to deprive the commonwealth of a consul watchful for its preservation: and believe me, Cato, they have the same designs against you, could they

vellent, Cato, te quoque aliquâ ratione, si possent, tollere: id quod, mihi crede, et agunt, et moluntur: vident quantum in te sit animi, quantum ingenii, quantum auctoritatis, quantum reip. praesidii: sed cùm (43) consulari auctoritate et auxilio spoliatam vim tribunitiam viderint, tum se faciljùs inernem et debilitatum te oppressuros arbitrantur: nam ne sufficiatur consul, non timent: vident in tuorum potestate collegarum fore: sperant sibi Silanum, clarum virum, sine collega, te sine consule, rempub. sine praesidio objici posse. His tantis in rebus, tantisque in periculis, est tuum, M. Cato, qui non mihi, non tibi, sed patriae natus es, videre quid agatur, retinere adjutorem, defensorem, socium in republica, consuleni non cupidum, consulem (quod maximè tempus hoc postulat) fortunâ constitutum ad amplexandum otium, scientiâ ad bellum gerendum, animo et usu ad quod velis negotium,

XXXIX. Quanquam hujusce rei potestas omnis in vobis sita est, judices: totam rem pub. vos in hac causa tenetis, vos gubernatis. Si L. Catilina cum suo consilio nefariorum hominum, quos secum eduxit, hac de re posset judicare, condemnaret L. Murenam: si interficere posset, occideret; petunt enim ratios illius, ut orbetur auxilio resp.; ut minuatur contra suum furorem imperatorum copia; ut major facultas tribunis plebis detur, depulso adversario, seditionis ac discordiae concitandae. Idemque igitur delecti amplissimis ex ordinibus honestissimi atque sapientissimi viri judicabunt, quod ille importunissimus gladiator, hostis reipub. judicaret? Mihi credite, judices, in hac causa non solùm de L. Murena, verùm etiam de vestra salute sententiam feretis; in discrimen extremum venimus: nihil est jam, unde nos reficiamus, aut ubi lapsi resistamus; non solùm minuenda non sunt auxilia quae habemus, sed etiam nova, si fieri possit, comparanda; (44) hostis est enim non apud Aniem, quod bello Punico gravissimum visum est: sed in urbe,

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(43) *Consulari auctoritate spoliatam vim tribunitiam.*] Cicero, the more effectually to convince Cato of the reasonableness, as well as necessity of desisting from the present prosecution, observes, that Cato's own prosperity or danger was inseparably connected with that of Murena. For, should Murena be cast, the conspirators would thereby be delivered from a powerful enemy, whose vigour and great talents they dreaded: and Cato, deprived of his aid, would find himself ill able to withstand the attempts of a daring and desperate crew; the rather, as having drawn over some tribunes to their party, they would, by their interposition, be able to prevent a new election, and find it an easy matter to baffle

the authority of Silanus, who would have no colleague to assist him in opposing their designs.

(44) *Hostis est enim non apud Aniem.*] In the second Punic war, when M. Fulvius the consul was besieging Capua, and had reduced it to such extremities, that it must in a short time surrender, Hannibal, the Carthaginian general, after several vain attempts to relieve it, came to a sudden resolution of investing Rome; hoping that Fulvius, alarmed at the danger which threatened his country, would quit the siege of Capua, and fly to the assistance of the capital. Accordingly, he advanced with his army as far as the river Anio, and encamped within three miles of Rome. This occasioned

by any means compass them ; nay, at this very time, they labour and are intent upon them. They are no strangers to your courage, your capacity, your authority, and your abilities to defend the state. But when they shall perceive the tribunitian power destitute of the consular aid and authority, they think it will be more easy to oppress you in that weak and defenceless condition. For they are no way afraid of another consul's being substituted in the room of Murena, because they perceive that affair will be entirely in the power of your colleagues. Thus are they in hopes, that the illustrious Silanus being without a colleague, and you without the aid of a consul, the republic will be exposed naked and defenceless to their attempts. Amidst these important concerns, and imminent dangers, it is in ~~your~~ ^{to} you, Cato, who are not born for me, or for yourself, but for your country, to weigh well the matter now before you, to preserve your assistant, your defender, your associate in the government ; a consul not ambitious, a consul such as the present juncture requires, whose fortune disposes him to cherish tranquillity, whose experience fits him for the affairs of war, and whose abilities and spirit are equal to every purpose you can desire.

SECT. XXXIX. But, my lords, this whole affair depends entirely upon you : in the cause now before you, the preservation and prosperity of the commonwealth rest upon your decision. Was Catiline, and the band of profligates he has carried along with him, to have been judges in this affair, he would have eagerly condemned Murena ; nay, could it have been effected, he would not have scrupled to assassinate him. His schemes require that the commonwealth be deprived of her supports ; that the number of generals capable of opposing his fury be lessened ; that the tribunes of the people, having rid themselves of so formidable an adversary, be more at liberty to blow the flames of discord and sedition. And shall men distinguished for their integrity and wisdom, selected from the most conspicuous orders of the state, pass the same judgment as would a most audacious gladiator and declared enemy of his country ? Believe me, my lords, you are in this cause not only to determine the fate of Murena, but likewise to decide upon your own safety. We are now come to the crisis and extremity of our danger ; there is no resource or recovery for us, if we now miscarry : it is no time to throw away any of the helps which we have, but by all means possible to acquire more. The enemy is not on the banks of the Anio, which was thought so terrible in the Punic war, but in the city

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some terror at first, and a debate arose in the senate about recalling Fulvius from Capua. But Fabius Maximus vigorously opposing this motion, soon

changed the fear of the Romans into contempt ; and Fulvius was permitted to continue the siege of Capua, which in a short time after he compelled to surrender.

in foro : dii immortales ! sine gemitu hoc dici non potest : non nemo etiam in illo sacrario reipub. ; in ipsa, inquam, curia non nemo hostis est. Dii faxint, ut meus collega, vir fortissimus, hoc Catilinae nefarium latrocinium armatus opprimat ! ego togatus, vobis, bonisque omnibus adjutoribus, hoc, quod conceptum respublica pérículum parturit, consilio discutiam et comprimam. Sed quid tandem fiet, si haec elapsa de manibus nostris in eum annum, qui consequitur, redundārint ? (45) Unus erit consul, et is non in administrando bello, sed in sufficiendo collega occupatus ; hunc jam qui impedituri sint, ** illa pestis immanis, importuna Catilinae prorumpet, quā poterit ; et jam populo Romano minatur : in agros suburbanos repente advolabit : versabitur in castris furor, in curia timor, in foro conjuratio, in campo exercitus, in agris vastitas : omni autem in sede ac loco ferrum flammamque metueimus ; quae jam diu comparantur, eadem ista omnia, si ornata suis praesidiis erit respub. facile et magistratum consiliis, et privatorum diligentia opprimentur.

XL. Quae cùm ita sint, judices, primūm reipub. causā, quā nulla res cuiquam potior debet esse, vos, pro mea summa et vobis cognita in rempub. diligentia, moneo, pro auctoritate consulari hortor, pro magnitudine periculi obtestor, ut otio, ut paci, ut saluti, ut vitae vestrae et caeterorum civium consulatis : deinde ego (46) fidem vestram, vel defensoris et amici officio adductus, oro atque obsecro, judices, ut ne hominis miseri, et cùm corporis morbo, tum animi dolore confecti, L. Murenae recentem gratulationem novā lamentatione obruatis. Modò maximo beneficio populi Rom. ornatus, fortunatus videbatur, quod primus in familiam veterem, primus in municipium antiquissimum,

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(45) *Unus erit consul.*] Upon a supposition of Murena's being cast, P. Silanus would have remained sole consul. This was the more dangerous at that time, as the daring and desperate designs of the conspirators seemed more than ever to require the vigorous administration of two consuls: whereas by setting aside one, and entangling the other in a dispute with the tribunes about a new election, public affairs would be neglected, and no measures could be properly taken to avert the storm that threatened to break upon the state. This was the circumstance which chiefly favoured Murena, it appearing neither safe nor prudent, in such difficult times, and while a rebellion was actually on foot, to deprive

the city of a consul, who, by a military education, was the best qualified to defend it in so dangerous a crisis. Accordingly Cicero urges this consideration here with all the warmth of rhetoric; and we find it had such weight in the issue with the judges, that, without any deliberation, they unanimously acquitted Murena; and would not, as Cicero himself informs us, so much as hear the accusation of men the most eminent and illustrious.

(46) *Fidem vestram vel defensoris.*]— Manutius finds great perplexity in this passage, which he endeavours to remove by altering the reading. His words are, “ *Hic mihi suspicionem mendi varietas afferit antiquorum exemplarium.* In

and the forum. Good gods! (I cannot speak it without a sigh,) there are some enemies in the very sanctuary; some, I say, even in the senate: the gods grant that my brave colleague may in arms be able to quell this impious rebellion of Catiline! whilst I in the gown, with the assistance of all the honest, will endeavour, by the most prudent measures, to dispel the other dangers with which the city is now big. But what will become of us, if they should slip through our hands into the new year, and find but one consul in the republic, and him employed, not in prosecuting the war, but in providing a colleague? Then this plague of Catiline will break out in all its fury. Already it threatens the people in the remoter parts of Italy, and will soon spread into the neighbourhood of Rome itself. Massacre and bloodshed will take possession of our camps, fear of our senate, faction and discord of the forum, armies of the field of Mars, and desolation of our provinces; while the terror of fire and sword will pursue us through every haunt and retreat. Yet all these long projected evils may be easily dispelled, by the wisdom of our magistrates, and the zeal of the citizens, if we deprive not the commonwealth of the protection of her consuls.

SECT. XL. In these circumstances, my lords, let me in the first place admonish you, out of regard to the commonwealth, which ought to be the dearest object of affection to every citizen, and in consideration of my unwearied, and by you experienced, zeal for the interests of my country; let me, in consequence of the authority I am clothed with as consul, exhort you, and, from my sense of the greatness of the danger, conjure you to be watchful over the ease, the peace, the welfare, the safety of your own lives, and those of your fellow-citizens. In the next place, I entreat and request, my lords, out of friendship to Murena, and by all the ties that bind me to defend him, that you will not add a new load of affliction to one already overwhelmed with anguish of body and trouble of mind, nor convert his late congratulations into a flood of sorrow. But a little ago, crowned with the highest honours the people of Rome can bestow, he seemed the most fortunate of men, as being the first that introduced the con-

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" duobus, vestram, abest : in altero legi-
" tur, *Fide in vos defensoris* : unum cum
" pervulgatis libris consentit. Placeret,
" fide, defensoris et amici officio adductus.
" Fides enim proprie defensoris est, of-
" ficium amici. Quid porro fidem hic

" judicum orare opus est ? Quale autem
" videtur, (ut verba quoque considere-
" mus) fidem vestram oro ? Quae si pa-
" rum aut nihil habent momenti, dissen-
" sio certe veterum librorum contempen-
" da non videtur ?"

consulatum attulisset: nunc idem squalore sordidus, confectus morbo, lacrymis ac moerore perditus, vester est supplex, judices, vestram fidem obtestatur, misericordiam implorat, vestram potestatem ac vestras opes intuetur. Nolite, per deos immortales, judices, hanc eum re, quā se honestiorem fore putavit, etiam caeteris antē partis honestatibus, atque omni dignitate fortunāque privare! Atque ita vos Murena, judices, orat atque obseruat, si injustè neminem laesit, si nullius aures voluptatemve violavit, si nemini, ut levissimè dicam, odio nec domi nec militiae fuit; sit apud vos modestiae locus, sit demissis hominibus perfugium, sit auxilium pudori. Misericordiam spoliatio consulatus magnain habere debet, judices: unā enim eripiuntur cum consulatu omnia; invidiam verò his temporibus habere consulatus ipse nullam potest; objicitur enim concionibus seditionis, insidiis conjuratorum, telis Catilinae: ad omne denique periculum, atque ad omnem invidiam solus opponitur. Quare quid invidendum Murenae, aut cuiquam nostrū sit in hoc praeclarō consulatu, non video, judices; quae verò miseranda sunt, ea et mihi ante oculos versantur, et vos videre et perspicere potestis.

XLI. Si (quod Jupiter omen avertat!) hunc vestris sententiis afflixeritis, quō se miser vertet? Domumne? ut eam imaginem clarissimi viri, parentis sui, quam paucis antē diebus laureatam in sua gratulatione conspexit, eandem (47) deformatam ignominiam, lugentemque videat? An ad matrem, quac misera modò consulem osculata filium suum, nunc cruciatur, et solicita est ne eundem paulò post spoliatum omni dignitate conspiciat? Sed quid ego matrem aut domum appello, quem nova poena legis et domo, et parente, et omnium suorum consuetudine conspectuque privat? Ibit igitur in exsilium miser? quō? Ad orientis partes, in quibus annos multos legatus fuit, et exercitus duxit, et res maximas gessit? at habet magnum dolorem, unde cum honore decesseris, eodem cum ignominia reverti. An se in contrariam partem terrarum abdet, ut Gallia Transalpina, quem nuper summō cum imperio libertissimè viderit, eundem lugentem, moerentem, exsulem videat? in ea porrò provincia, quo animo C. Murenam fratrem suum adspiciet? qui hujus dolor? qui illius moe-

NOTES.

(47) *Deformatam ignominiam, lugentemque videat.*] This is a part of what rhétoricians call the peroration; by which they mean a pathetic address to the judges, representing the miseries that would be consequent upon the condemnation of the person accused, and endeavouring by a lively description to excite

compassion. Cicero, it must be owned, has succeeded very happily in this part, and given so striking a picture of the height Murena would fall from, and the distress he would be exposed to, by a rigorous sentence, that no heart susceptible of the feelings of humanity can possibly withstand the influence of it.

sulship into an old family, and one of the most ancient of the free towns of Italy : now, clothed in sordid apparel, spent with disease, oppressed with tears and sorrow, he is your suppliant, my lords ; he sues to you for justice, he implores your compassion, and seeks protection from your power and interest. For heaven's sake, my lords, let not that by which he hoped for an addition to his rank contribute to divest him of all his former honours, and of his whole dignity and fortune ! For thus, my lords, does Murena supplicate and address you; if he has injured no man, if he never offended either in word or deed, to say the least, he has incurred no man's hatred in peace or war : let your tribunal be an asylum to moderation, a refuge to men in distress, and a place of protection to the modest. Great compassion, my lords, is due to the man who is stripped of the consulship; for, in losing that, he loses his all. But surely in these days there can be little reason for envying any one the possession of that dignity, since he is thereby exposed to the harangues of the seditious, the snares of conspirators, and the attacks of Catiline : in short, must singly oppose every danger, and all the attempts of malice. And therefore, my lords, I cannot see what there is in this so much coveted office, why either Murena, or any of us who are or have been possessed of it, should become objects of public envy. As to the many cares and solicitudes attending it, these are even now before my eyes, and cannot fail of being obvious and visible to you.

SECT. XLI. If (which Heaven forbid !) your decision proves unfavourable, whither shall the unhappy Murena turn him ? Homewards ? to behold the image of his illustrious father deformed with ignominy, and covered with the mark of sorrow, which he so lately saw adorned with laurel, the object of his congratulations ? To his mother ? who, having but just embraced her son a consul, is now racked with fear, and apprehensive of seeing him despoiled of all his dignity ? But why do I mention his mother, or his home, when the new penalty annexed to this law deprives him at once of parent, habitation, and the company and conversation of all his friends ? Shall then the wretched Murena be banished ? but whither ? To the east, where he for many years served as lieutenant, where he commanded great armies, and where he performed many glorious actions ? Alas ! it is a hard lot to return with ignominy to a country which we have left with honour. Shall he hide his head in the opposite part of the globe, and appear mournful, dejected, and an exile in Transalpine Gaul, which lately with pleasure beheld him clothed with supreme command ? With what eyes can he look upon his brother C. Murena, in that province ? what must be the anguish of the one, what the sorrow of the other ? and how

ror erit? quae utriusque lamentatio? quanta autem perturbatio fortunae atque sermonis, quòd, quibus in locis paucis antè diebus factum esse consulem Murenam nuntii literaeque celebrâssent, et unde hospites atque amici gratulatum Romam concurrerint, repente eò accedat ipse nuntius suae calamitatis? Quae si acerba, si misera, si luctuosa sunt, si alienissima à mansuetudine et misericordiâ vestrâ, judices; conservate populi Romani beneficium: reddite reipub. consulem: date hoc ipsius pudori, date patri mortuo, date generi et familiae, date etiam Lanuvio, municipio honestissimo, quod in hac tota causa frequens moestumque vidistis: nolite à sacris patriis Junonis Sospitiae, cui omnes consules facere necesse est, domesticum et suum consulem potissimum avellere.

(48) Quem ego vobis, si quid habet, aut momenti commendatio, aut auctoritatis confirmatio mea, consul consulem, judices, ita commendo, ut cupidissimum otii, studiosissimum bonorum, acerrimum contra seditionem, fortissimum in bello, inimicissimum huic conjurationi, quae nunc rempublicam labefactat, futurum esse promittam et spondeam.

NOTES.

(48) *Quem ego—Judices, ita commendando, ut, &c.]* We have already had occasion to observe that Murena was acquitted; and therefore shall here only add, that his administration fully answered the idea which Cicero, in this oration, endeavours to give of it: he proving an honest, faithful, and vigorous consul, a

zealous opposer of those who sought the ruin of their country, and an irreconcileable enemy to all factious magistrates. This oration was spoken towards the latter end of the six hundred and ninetieth year of the city, in the consulship of Cicero and Antonius, a little before Murena took possession of that high dignity.

great the lamentation of both? What a reverse of fortune and discourse! that in the very place, in which a few days before accounts arrived of Murena's being raised to the consulship, and whence strangers and friends flocked to pay him their compliments at Rome; there he himself should first arrive with the tidings of his own disgrace? If this, my lords, appears a hard, a cruel, and a mournful lot, if shocking to your humanity and compassion; preserve the favour bestowed by the Roman people, restore to the commonwealth her consul; shew this respect to the purity of Murena's virtue, to the memory of his deceased father, to his quality, to his family, and likewise to Lanuvium, that most honourable corporation, whose disconsolate citizens you have seen attending in crowds during this whole trial. Tear not from the patriot rites of Juno Sospita, which all consuls are obliged to celebrate, a domestic consul, in whom she has so peculiar a right. If my recommendation, my lords, has any weight, if my assurances have any authority, I am ready to promise and engage for Murena, that he will prove a consul zealous for the public tranquillity, warmly attached to the friends of his country, keen in opposing sedition, brave in all the enterprizes of war, and an irreconcileable enemy to this conspiracy, which now shakes the pillars of the commonwealth.

ORATIO IX.

PRO ARCHIA POETA.*

I. Si quid est in me ingenii, judices, quod sentio quam sit exiguum; aut si qua exercitatio dicendi, in qua me non inficiar mediocriter esse versatum, aut si hujusce rei ratio aliqua ab optimarum artium studiis, et disciplinis profecta, à qua ego nullum confiteor aetatis meae tempore abhoruisse; earum ferum omnium vel in primis hic (1) A. Licinius fructum à me repeterem propè suo jure debet. Nam quoad longissimè potest mens mea respicere spatium praeteriti temporis, et pueritiae memoriam recordari ultimam, inde usque repetens, hunc video mihi principem, et ad suscipiendam, et ad ingrediendam rationem horum studiorum exstitisse. Quòd si haec vox, hujus hortatu praeceptisque conformata, nonnullis aliquando saluti fuit; à quo id accepimus, quo cæteris opitulari, et alios servare possemus, huic profecto ipsi, quantum est situm in nobis, et opem et salutem ferre debemus. Ac, ne quis à nobis hoc ita dici fortè miretur, quòd alia quaedam in hoc facultas sit ingenii, neque haec dicendi ratio aut disciplina: ne nos quidem huic (2) cuncti studio penitus unquam dediti fuimus. Etenim omnes artes, quae ad humanitatem pertinent, habent quoddam commune vinculum, et quasi cognatione quâdam inter se continentur.

NOTES.

* A. Licinius Archias was a native of Antioch, and a very celebrated poet. He came to Rome when Cicero was about five years old, and was courted by men of the greatest eminence in it, on account of his learning, genius, and politeness. Among others, Lucullus was very fond of him, took him into his family, and gave him the liberty of opening a school in it, to which many of the young nobility and gentry of Rome were sent for

their education. In the consulship of M. Pupius Piso and M. Valerius Messala, one Gracchus, a person of obscure birth, accused Archias upon the law by which those who were made free of any of the confederated cities, and at the time of passing the law dwelt in Italy, were obliged to claim their privilege before the praetor within sixty days. Cicero, in this oration, endeavours to prove that Archias was a Roman citizen in the

ORATION IX.

FOR THE POET ARCHIAS.

I. If, my lords, I have any abilities, and I am sensible
 are but small; if, by speaking often, I have acquired any
 skill as a speaker; if I have derived any knowledge from the
 study of the liberal arts, which have ever been my delight, A.
 Licinius may justly claim the fruit of all. For, looking back
 upon past scenes, and calling to remembrance the earliest part of
 my life, I find it was he who prompted me first to engage in a
 course of study, and directed me in it. If my tongue, then,
 formed and animated by him, has ever been the means of saving
 my, I am certainly bound, by all the ties of gratitude, to em-
 ploy it in the defence of him who has taught it to assist and de-
 fend others. And though his genius and course of study are
 very different from mine, let no one be surprised at what I ad-
 vance: for I have not bestowed the whole of my time on the
 study of eloquence; and besides, all the liberal arts are nearly
 allied to each other, and have, as it were, one common bond of
 union.

NOTES.

sense of that law; but dwells chiefly on the praises of poetry in general, and the talents and genius of the defendant, which he displays with great beauty, elegance, and spirit. The oration was made in the forty-sixth year of Cicero's age, and the six hundred and ninety-second of Rome.

(1) *A. Licinius fructum a me repetere prope suo jure debet.*] Cicero was put early under the care of Archias, and applied himself chiefly to poetry, to which he was naturally addicted: he made such a

proficiency in it, that, while he was still a boy, he composed and published a poem called *Glaucus Pontius*, which was extant in Plutarch's time.

(2) *Cuncti.*] Instead of *cuncti*, some of the commentators are for reading *uni*, others *curae et*, either of which would indeed be better; but *cuncti* is retained in almost all the editions of Cicero's works, being supported by the authority of all the manuscripts.

II. Sed ne cui vestrūm mirum esse videatur, me in quaestione legitima, et in judicio publico, cùm res agatur apud practorem populi Romani, lectissimum virum, et apud severissimos judices, tanto conventu hominum ac frequentia, huc uti genere dicendi, quod non modò à consuetudine judiciorum, verum etiam à forensi sermone abhorreat: quaeo à vobis, ut in hac causa mihi detis hanc veniam, accommodatam huic reo, vobis, quemadmodum spero, non molestam; ut me pro summo poeta, atque eruditissimo homine, dicentem, hoc concursu hominum literatissimorum, huc vestrā humanitate, hoc denique praetore exercente judicium, patiamini de studiis humanitatis ac literarum paulo loqui liberiūs: et in ejusmodi persona, quae propter otium ac studium minimè in judiciis periculisque tractata est, uti propè novo quedam et inusitato genere dicendi. Quod si mihi à vobis tribui concedique sentiam; perficiam profectò, ut hunc A. Liciniūm, non modò non segregandum, cùm sit civis, à numero civium; verūm etiam, si non esset, putetis adsciscendum fuisse.

III. Nam ut primū ex pueris excessit Archias, atque ab iis partibus, quibus aetas puerilis ad humanitatem informari solet, sed ad scriberidi studium contulit; primū Antiochiae (nam ibi natus est, loco nobili, et celebri quondam urbe et copiosâ, atque eruditissimis hominibus liberalissimisque studiis affluent) celeriter antecellere omnibus ingenii gloriâ contigit; post in caeteris Asiae partibus, cunctaque Graeciae, sic ejus adventus celebrabatur, ut famam ingenii exspectatio hominis, expectationem ipsius adventū admiratioque superaret. Erat Italia tunc plena Graecarum artium ac disciplinarum: studiaque haec et in Latio vehementius tum colebantur, quam nunc iisdem in oppidis: et hic Romae propter tranquillitatem reipub. non negligebantur. Itaque hunc et Tarentini, et Regini, et Neapolitani civitate caeterisque praemiis donarunt: et omnes, qui aliquid de ingenii poterant judicare, cognitione atque hospitio dignum existimabantur. Hac tantâ celebritate famae cùm esset jam absentibus notus, Romam venit, Mario consule, et Catulo; nactus est primū consules eos, quorum alter res ad scribendum maximas, (3) alter cùm res gestas, tum etiam studium atque aures adhibere posset; statim Luculli, cùm praetextatus etiam tum Archias esset, eum domum suam receperunt. Sed etiam hoc non solum ingenii ac literarum, verūm etiam naturae atque virtutis fuit, ut domus, quae hujus adolescentiae prima fuerit, eadem esset familiarissima

NOTES.

(3) Alter cùm res gesta, &c.] Cicero | in his books, *De Claris Oratöribus*, and speaks in very high terms of this Catulus, | *De Oratore*.

SECT. II. But lest it should appear strange, that, in a legal proceeding, and a public cause, before an excellent praetor, the most impartial judges, and so crowded an assembly, I lay aside the usual style of trials, and introduce one very different from that of the bar ; I must beg to be indulged in this liberty, which I hope will not be disagreeable to you, and which seems indeed to be due to the defendant, that, whilst I am pleading for an excellent poet, and a man of great erudition, before so learned an audience, such distinguished patrons of the liberal arts, and so eminent a praetor, you would allow me to enlarge with some freedom on learning and liberal studies ; and to employ an almost unprecedented language for one, who, by reason of a studious and unactive life, has been little conversant in dangers and public trials. If this, my lords, is granted me, I shall not only prove that A. Licinius ought not, as he is a citizen, to be deprived of his privileges, but that, if he were not, he ought to be admitted.

SECT. III. For no sooner had Archias got beyond the years of childhood, and applied himself to poetry, after finishing those studies by which the minds of youth are usually formed to a taste for polite learning, than his genius shewed itself superior to any at Antioch, the place where he was born, of a noble family ; once indeed a rich and renowned city, but still famous for liberal arts, and fertile in learned men. He was afterwards received with such applause in the other cities of Asia, and all over Greece, that though they expected more than fame had promised concerning him, even these expectations were exceeded, and their admiration of him greatly increased. Italy was, at that time, full of the arts and sciences of Greece, which were then cultivated with more care among the Latins than now they are, and were not even neglected at Rome, the public tranquillity being favourable to them. Accordingly the inhabitants of Tarentum, Rhegium, and Naples, made him free of their respective cities, and conferred other honours upon him : and all those who had any taste, reckoned him worthy of their acquaintance and friendship. Being thus known by fame to those who were strangers to his person, he came to Rome in the consulship of Marius and Catulus ; the first of whom had, by his glorious deeds, furnished out a noble subject for a poet ; and the other, besides his memorable actions, was both a judge and a lover of poetry. Though he had not yet reached his seventeenth year, yet no sooner was he arrived, than the Luculli took him into their family, which, as it was the first that received him in his youth, so it afforded him freedom of access even in old age ; nor was this owing to his great genius and learning alone, but likewise to his amiable tem-

senectuti. Erat temporibus illis jucundus Q. Metello illi Numidico, et ejus Pio filio: audiebatur à M. Æmilio: vivebat cum Q. Catulo, et patre et filio: à L. Crasso colebatur: Lucullos verò, et Drusum, et Octavios, et Catonem, et totam Hortensiorum domum devinctam consuetudine cùm teneret, afficiebatur summo honore, quòd eum non solùm colebant, qui aliquid percipere aut audire studebant, verùm etiam si qui fortè simularunt.

IV. Interim satis longo intervallo, cùm esset cum L. Lucullo in Siciliam profectus, et cùm ex ea provincia cum eodem Lucullo decederet, venit Heracleam: quae cùm esset civitas aequissimo jure ac foedere, adscribi se in eam civitatem voluit; idque, cùm ipse per se dignus putaretur, tum auctoritate, et gratiâ Luculli ab Heracliensibus impetravit. Data est civitas Syllani lege, et Carbonis, **SI QUI FOEDERATIS CIVITATIBUS ADSCRIPTI FUISSENT: SI TUM, CUM LEX FEREBATUR, IN ITALIA DOMICILIUM HABUSSISENT: ET SI SEXAGINTA DIEBUS APUD PRAETOREM ESSENT PROFESSI.** Cùm hic domicilium Romae multos jam annos haberet, professus est apud praetorem Q. Metellum, familiarissimum suum. Si nihil aliud, nisi de civitate ac lege dicimus, nihil dico amplius: causa dicta est. Quid enim horum infirmari, Gracche, potest? Heracleaene esse tum adscriptum negabis? adest vir summâ auctoritate, et religione, et fide, M. Lucullus, qui se non opinari, sed scire; non audisse, sed vidisse; non interfuisse, sed egisse dicit. Adsunt Heraclenses legati, nobilissimi homines, qui hujus judicii causâ cum mandatis et cum publico testimonio venerunt, qui hunc adscriptum Heracliensem dicunt. Hic tu tabulas desideras Heracliensium publicas, quas Italico bello, incenso tabulario, interisse scimus omnes. Est ridiculum ad ea quae habemus nihil dicere; quaerere quae habere non possumus: et de hominum memoria tacere, literarum memoriam flagitare: et, cùm habeas amplissimi viri religionem, integrimini municipii jusjurandum fidemque, ea, quae depravari nullo modo possunt, repudiare; tabulas, quas idem dicis solere corrumpi, desiderare. At domicilium Romae non habuit: is, qui tot annis ante civitatem datam, sedem omnium rerum ac fortunarum suarum Romae collocavit? At non est professus; immò

per and virtuous disposition. At that time too, Q. Metellus Numidicus, and his son Pius, were delighted with his conversation; M: AEmilius was one of his hearers; Q. Catulus, both the elder and younger, honoured him with their intimacy; L. Crassus courted him; and being united, by the greatest familiarity, to the Luculli, Drusus, the Octavii, Cato, and the whole Hortensian family, it was no small honour to him to receive marks of the highest regard, not only from those who were really desirous of hearing him, and being instructed by him, but even from those who affected to be so.

SECT. IV. A considerable time after, he went with L. Lucullus into Sicily, and leaving that province in company with the same Lucullus, came to Heraclea; which being joined with Rome by the closest bonds of alliance, he was desirous of being made free of it; and obtained his request, both on account of his own merit, and the interest and authority of Lucullus. Strangers were admitted to the freedom of Rome, according to the law of Syllanus and Carbo, upon the following conditions: *If they were inrolled by free cities; if they had a dwelling in Italy when the law passed; and if they declared their inrolment before the praetor within the space of sixty days.* Agreeable to this law, Archias, who had resided at Rome for many years, made his declaration before the praetor, Q. Metellus, who was his intimate friend. If the right of citizenship, and the law, is all I have to prove, I have done; the cause is ended. For which of these things, Gracchus, can you deny? Will you say that he was not made a citizen of Heraclea at that time? Why, here is Lucullus, a man of the greatest credit, honour, and integrity, who affirms it, and that not as a thing he believes, but as what he knows: not as what he heard of, but as what he saw; not as what he was present at, but as what he transacted. Here are likewise deputies from Heraclea, who affirm the same; men of the greatest quality, come hither on purpose to give public testimony in this cause. But here you'll desire to see the public register of Heraclea, which we all know was burnt in the Italian war, together with the office wherein it was kept. Now, is it not ridiculous to say nothing to the evidences which we have, and to desire those which we cannot have; to be silent as to the testimony of men, and to demand the testimony of registers; to pay no regard to what is affirmed by a person of great dignity, nor to the oath and integrity of a free city of the strictest honour, evidences which are incapable of being corrupted, and to require those of registers which you allow to be frequently vitiated? But he did not reside at Rome: what! he who, for so many years before Syllanus's law, made Rome the seat of all his hopes and fortune? But he did not declare: so far is this from being true, that his declaration is to be seen in that register,

verò iis tabulis professus, quae solae ex illa professione, collegioque praetorum, obtinent publicarum tabularum auctoritatem.

V. Nam cùm Appii tabulae negligentius asservatae dicerentur; Gabinii, quamdiu incolumis fuit, levitas, post damnationem, calamitas, omnem tabularum fidem resignasset; Metellus, homo sanctissimus modestissimusque omnium, tantà diligentia fuit, ut ad L. Lentulum praetorem et ad judices venerit, et unius nominis litorâ se commotum esse dixerit. His igitur tabulis nullam lituram in nomen A. Licinii videtis. Quae cùm ita sint, quid est quòd de ejus civitate dubitetis, praesertim cùm aliis quoque in civitatibus fuerit adscriptus? Etenim cùm mediocribus multis, et aut nullâ, aut humili aliquâ arte praeditis, gratuitò civitatem in Graecia homines impertiebantur; Rheginos credo, aut Locrenses, aut Neapolitanos, aut Tarentinos, quod scenicis artificibus largiri solebant, id huic summâ ingenii praedito gloriâ, noluisse? Quid? cùm caeteri non modò (4) post civitatem datam, sed etiam (5) post legem Papiam, aliquo modo in eorum municipiorum tabulas irrepsérint; hic, qui ne utitur quidem illis, in quibus est scriptus, quòd semper se Heracliensem esse voluit, rejicietur? Censu^s nostros requiris scilicet. Est enim obscurum, proximis censoribus, hunc cum clarissimo imperatore L. Lucullo apud exercitum fuisse: superioribus, cùm eodem quaestore fuisse in Asia: primis, Julio et Crasso, nullam populi partem esse censam? Sed quoniam census non jus civitatis confirmat, ac tantummodò indicat, eum, qui sit census, ita se jam tum gessisse pro cive: iis temporibus, quae tu criminaris, ne ipsius quidem judicio eum in civium Rom. jure esse versatum, et testamentum saepe fecit nostris legibus, et adiit haereditates civium Rom. et (6) in beneficiis ad aerarium delatus est à L. Lucullo praetore et consule.

VI. Quaere argumenta, si qua potes: nunquam enim hic neque suo, neque amicorum judicio revincetur. Quaeres à nobis, Gracche, cur tantopere hoc homine delectemur? quia suppeditat nobis, ubi et animus ex hoc forensi strepitu reficiatur, et aures convicio defessae conquiescant. An tu existimas, aut suppitere nobis posse, quod quotidie dicamus in tanta varietate rerum, nisi animos nostros doctrinâ excolamus: aut ferre animos tantam pos-

NOTES.

(4) *Post civitatem datam.*] This refers to the law made by Syllanus and Carbo, which is mentioned before.

(5) *Post legem Papiam.*] This law derived its name from one Papius, a tribune of the people, who restored the law made by Petronius, whereby strangers were forbid to enjoy the privileges of citizens.

(6) *In beneficiis ad aerarium delatus est.*] It was usual for the Roman generals to recommend those to the treasury, who, in the course of a war, had done any considerable service to the state, which recommendation, as it did them no small honour, so it contributed not a little to their advancement.

which, by that very act, and its being in the custody of the college of praetors, is the only authentic one.

SECT. V. For the negligence of Appius, the corruption of Gabinius before his condemnation, and his disgrace after, having destroyed the credit of public records, Metellus, a man of the greatest honour and modesty, was so very exact that he came before Lentulus the praetor and the other judges, and declared that he was uneasy at the erasure of a single name. The name of A. Licinius therefore is still to be seen ; and as this is the case, why should you doubt of his being a citizen of Rome, especially as he was inrolled likewise in other free cities ? For when Greece bestowed the freedom of its cities, without the recommendation of merit, upon persons of little consideration, and those who had either no employment at all, or very mean ones, is it to be imagined that the inhabitants of Rhegium, Locri, Naples, or Tarentum, would deny to a man so highly celebrated for his genius, what they conferred even upon comedians ? When others, not only after Syllanus's law, but even after the Papian law, shall have found means to creep into the registers of the municipal cities, shall he be rejected, who, because he was always desirous of passing for an Heraclean, never availed himself of his being inrolled in other cities ? But you desire to see the inrolment of our estate ; as if it were not well known, that under the last censorship the defendant was with the army commanded by that renowned general L. Lucullus ; that, under the censorship immediately preceding, he was with the same Lucullus, then quaestor in Asia ; and that, when Julius and Crassus were censors, there was no inrolment made. *✓* But as an inrolment in the censor's books does not confirm the right of citizenship, and only shews that the person inrolled assumed the character of a citizen, I must tell you that Archias made a will according to our laws, succeeded to the estates of Roman citizens, and was recommended to the treasury by L. Lucullus, both when praetor and consul, as one who deserved well of the state, at the very time when you allege that, by his own confession, he had no right to the freedom of Rome.

SECT. VI. (Find out whatever arguments you can, Archias will never be convicted for his own conduct, nor that of his friends. But you'll no doubt ask the reason, Gracchus, of my being so highly delighted with this man ? Why, it is because he furnishes me with what relieves my mind, and charms my ears, after the fatigue and noise of the forum. Do you imagine that I could possibly plead every day on such a variety of subjects, if my mind was not cultivated with science ; or that it could bear being stretched to such a degree, if it were not sometimes unbent by

se contentienem, nisi eos doctrinâ eâdem relaxemus? Ego verò fateor, me his studiis esse deditum: caeteros pudeat, si qui ita se literis abdiderunt, ut nihil possint ex his neque ad communem afferre fructum, neque in adspectum lucemque proferre. Me autem quid pudeat, qui tot annos ita vivo, judices, ut ab nullius unquam me tempore, aut commodum, aut otium meum abstraxerit, aut voluptas avocârit, aut denique somnus retardârit? Quare quis tandem me reprehendat, aut quis mihi jure succenseat, si, quantum caeteris ad suas res obeundas, quantum ad festos dies ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis; quantum alii tribuant (7) tempestivis conviviis, quantum denique aleae, quantum pilae; tantum mihi egomet ad haec studia recolenda sumpsero? Atque hoc adeò mihi concedendum est magis, quòd ex his studiis, haec quoque crescit oratio, et facultas: quae quantacunque in me est, nunquam amicorum periculis defuit; quae si cui levior videtur; illa quidem certè, quae summa sunt, ex quo fonte hauriam, sentio. Nam nisi multorum praeceptis, multisque litteris mihi ab adolescentia suasissem, nihil esse in vita magnopere expetendum, nisi laudem atque honestatem; in ea autem perseveranda omnes cruciatus corporis, omnia pericula mortis atque exsilii parvi esse ducenda: nunquam me pro salute vestra in tot ac tantas dimicationes, atque in hos profligatorum hominum quotidianos impetus objecisset. Sed pleni omnes sunt libri, plena sapientium voces, plena exemplorum vetustas: quae jacerent in tenebris omnia, nisi literarum lumen accederet. Quàm multas nobis imagines, non solùm ad intuendum, verùm etiam ad imitandum, fortissimorum virorum expressas, scriptores et Graeci et Latini reliquerunt? quas ego mihi semper in administranda repub. proponens, animum et mentem meam ipsa cogitatione hominum excellentium conformabam.

VII. Quaeret quispiam, quid? illi ipsi summi viri, quorum virtutes literis proditae sunt, istâne doctrinâ, quam tu laudibus effers, eruditî fuerunt? Difficile est hoc de omnibus confirmare: sed tamen est certum, quid respondeam. Ego multos homines excellenti animo ac virtute fuisse, et sine doctrina, naturae ipsius habitu propè divino, per seipso et moderatos, et graves extitisse fateor; etiam illud adjungo, saepius ad laudem atque virtutem naturam sine doctrina, quâm sine natura valuisse doctrinam; atque idem ego contendo, cùm ad naturam eximiam atque illustrem accesserit ratio quaedam conformatioque doctrinae; tum illud nescio quid praeclarum ac singulare solere exsistere. Ex hoc esse hunc numero, quem patres nostri viderunt, divinum hominem, Africanum: ex hoc C. Laelium, L. Furium, modestissimos

NOTES.

(7) *Tempestivis conviviis.*] Such entertainments as began before the ordinary hour, which was about nine, or our three

o'clock, and were lengthened out till late at night, were called *tempestivis convivia*.

the amusement of learning; I am fond of these studies, I own: let those be ashamed who have buried themselves in learning, so as to be of no use to society, nor able to produce any thing to public view; but why should I be ashamed, who for so many years, my lords, have never been prevented by indolence, seduced by pleasure, nor diverted by sleep, from doing good offices to others? Who then can censure me, or in justice be angry with me, if those hours which others employ in business, in pleasures, in celebrating public solemnities, in refreshing the body, and unbending the mind; if the time which is spent by some in midnight banquetings, in diversions, and in gaming, I employ in reviewing these studies? And this application is the more excusable, as I derive no small advantages from it in my profession, in which, whatever abilities I possess, they have always been employed when the dangers of my friends called for their assistance. If they should appear to any to be but small, there are still other advantages of a much higher nature, and I am very sensible whence I derive them. For had I not been convinced from my youth, by much instruction and much study, that nothing is greatly desirable in life but glory and virtue, and that, in the pursuit of these, all bodily tortures, and the perils of death and exile, are to be slighted and despised, never should I have exposed myself to so many and so great conflicts for your preservation, nor to the daily rage and violence of the most worthless of men. But on this head, books are full, the voice of the wise is full, antiquity is full; all which, were it not for the lamp of learning, would be involved in thick obscurity. How many pictures of the bravest of men have the Greek and Latin writers left us, not only to contemplate, but likewise to imitate? These illustrious models I always set before me in the government of the state, and formed my conduct by contemplating their virtues.

SECT. VII. But were those great men, it will be asked, who are celebrated in history, distinguished for that kind of learning which you extol so highly? It were difficult, indeed, to prove this of them all; but what I shall answer is, however, very certain. I own, then, that there have been many men of excellent dispositions and distinguished virtue, who, without learning, and by the almost divine force of nature herself, have been wise and moderate; nay, farther, that nature without learning is of greater efficacy towards the attainment of glory and virtue, than learning without nature; but then, I affirm, that when to an excellent natural disposition the embellishments of learning are added, there results from this union something great and extraordinary. Such was that divine man Africantus, whom our fathers saw: such were C. Laelius and L. Furius, persons of the greatest temperance

homines, et continentissimos: ex hoc fortissimum virum, et illis temporibus doctissimum, (8) M. Catonem illum senem: qui profecto, si nihil ad percipiendam colendamque virtutem literis adjuvarentur, nunquam se ad earum studium contulissent. Quòd si non hic tantus fructus ostenderetur, et si ex his studiis delectatio sola peteretur: tamen, ut opinor, hanc animi remissionem humanissimam ac liberalissimam judicaretis. Nam caetera, neque temporum sunt, neque aetatum omnium, neque locorum: haec studia adolescentiam alunt, senectutem oblectant, secundas res ornant, adversis perfugium ac solatium praebent; delectant domi, non impediunt foris; pernoctant nobiscum, peregrinantur, rusticantur. Quòd si ipsi haec neque attingere, neque sensu nostro gustare possemus, tamen ea mirari deberemus, etiam cùm in aliis viderimus.

VIII. Quis nostrum tam animo agresti ac duro fuit, (9) ut Roscii morte nuper non commoveretur? qui, cùm esset senex mortuus, tamen, propter excellentem artem ac venustatem, videbatur omnino mori non debuisse. Ergo ille corporis motu tantum amorem sibi conciliarat à nobis omnibus: nos animorum incredibiles motus, celeritatemque ingeniorum negligemus? Quoties ego hunc Archiam vidi, judices, (utar enim vestrâ benignitate, quoniam me in hoc novo genere dicendi tam diligenter attenditis); quoties ego hunc vidi, cùm literam scripsisset nullam, magnum numerum optimorum versuum de his ipsis rebus, quae tum agerentur, dicere ex tempore? Quoties revocatum eandem rem dicere commutatis verbis atque sententiis? quae verò accuratè cogitatèque scripsisset, ea sic vidi probari, ut ad veterum scriptorum laudem pervenirent. Hunc ego non diligam? non admirer? non omni ratione defendendum putem? Atque sic à summis hominibus eruditissimisque accepimus, caeterarum rerum studia, et doctrinâ, et praeceptis, et arte constare; poëtam naturâ ipsâ valere, et mentis viribus excitari, et quasi divino quodam spiritu inflari. Quare suo jure noster ille Ennius sanctos appellat poetas, quòd quasi deorum aliquo dono atque munere commendati nobis esse videantur. Sit igitur, judices, sanctum apud vos, humanissimos homines, hoc poëtae nomen, quod nulla

NOTES.

(8) *M. Catonem illum senem.*] Cicero, in his piece *De Claris Oratoribus*, and in that *De Senectute*, makes frequent mention of the eloquence of this M. Cato, who applied himself to the study of the Greek language when very old.

(9) *Ut Roscii morte nuper non commoveretur.*] This was Roscius the comedian, whose extraordinary merit in his art had recommended him to the friendship and

familiarity of the greatest men in Rome. His daily pay for acting is said to have been about thirty pounds. From the character which Cicero gives of him, we cannot but entertain a very high opinion of his merit; for he tells us, that while he made the first figure on the stage for his art, he was worthy of the senate for his virtue.

and moderation: such was old Cato, a man of great bravery, and, for the times, of great learning; who, surely, would never have applied to the study of learning, had they thought it of no service towards the acquisition and improvement of virtue. But were pleasure only to be derived from learning without the advantages we have mentioned, you must still, I imagine, allow it to be a very liberal and polite amusement. For other studies are not suited to every time, to every age, and to every place; but these give strength in youth, and joy in old age; adorn prosperity, and are the support and consolation of adversity: at home they are delightful, and abroad they are easy; at night they are company to us; when we travel they attend us: and, in our rural retirements, they do not forsake us. Though we ourselves were incapable of them, and had no relish for their charms, still we should admire them when we see them in others.

SECT. VIII. Was there any of us so void of taste, and of so unfeeling a temper, as not to be affected lately with the death of Roscius? For though he died in an advanced age, yet such was the excellence and inimitable beauty of his art, that we thought him worthy of living for ever. Was he then so great a favourite with us all on account of the graceful motions of his body, and shall we be insensible to the surprising energy of the mind, and the sprightly sallies of genius? How often have I seen this Archias, my lords, (for I will presume on your goodness, as you are pleased to favour me with so much attention in this unusual manner of pleading); how often, I say, have I seen him, without using his pen, and without any labour or study, make a great number of excellent verses on occasional subjects? How often, when a subject was resumed, have I heard him give it a different turn of thought and expression, whilst those compositions which he finished with care and exactness, were as highly approved as the most celebrated writings of antiquity? And shall I not love this man? Shall I not admire him? Shall I not defend him to the utmost of my power? For men of the greatest eminence and learning have taught us that other branches of science require education, art, and precept; but that a poet is formed by the plastic hand of nature herself, is quickened by the native fire of genius, and animated, as it were, by a kind of divine enthusiasm. It is with justice, therefore, that our Ennius bestows upon poets the epithet of *venerable*, because they seem to have some peculiar gifts of the gods to recommend them to us. Let the name of poet, then, which the most barbarous nations have never profaned, be revered by you, my lords, who

unquam barbaria violavit. (10) *Saxa et solitudines voci respondent;* bestiae saepe immanes cantu flectuntur, atque consistunt: nos instituti rebus optimis non poëtarum voce moveamur? Homerum Colophonii civem esse dicunt suum, Chii suum vindicant, Salaminii repetunt, Smyrnaei verò suum esse confirmant; itaque etiam delubrum ejus in oppido dedicaverunt; permulti alii praeterea pugnant inter se, atque contendunt.

IX. Ergo illi alienum, quia poëta fuit, post mortem etiam exceptunt; nos hunc vivum, qui et voluntate et legibus noster est, repudiabimus? praesertim cum omne olim studium, atque omne ingenium contulerit Archias ad populi Romani gloriam laudemque celebrandam; nam et Cimbricas res adolescens attigit, et ipsi illi (11) C. Mario, qui durior ad haec studia videbatur, jucundus fuit. Neque enim quisquam est tam aversus à musis, qui non mandari versibus aeternum suorum laborum facile praeconium patiatur. Themistoclem illum, summum Athenis virum, dixisse aiunt, cum ex eo quaereretur, quod acroama, aut cuius vocem libentissime audiret? Ejus, à quo sua virtus optimè praedicantur. Itaque ille Marius item eximiè L. Plotium dilexit; cuius ingenio putabat ea, quae gesserat, posse celebrari. Mithridaticum verò bellum magnum atque difficile, et in multa varietate terrâ marique versatum, totum ab hoc expressum est: qui libri non modo L. Lucullum, fortissimum et clarissimum virum, verum etiam populi Romani nomen illustrant. Populus enim Rom. aperuit, Lucullo imperante, Pontum, et regis quondam opibus et ipsâ naturâ regionis vallatum: populi Romani exercitus, eodem duce, non maximâ manu, innumerabiles Armeniorum copias fudit: populi Rom. laus est, urbem amicissimam Cyzicenorum, ejusdem consilio, ex omni impetu regio, ac totius belli ore ac faucibus ereptam esse atque conservatam: nostra semper fereatur et praedicabitur, L. Lucullo dimicante, cum interfectis ducibus depressa hostium classis, et incredibilis apud Tenedum pugna illa navalis: nostra sunt trophyae, nostra monumenta, nostri triumphi; quare, quorum ingenij haec feruntur, ab iis populi Rom. fama celebratur. (12) Carus fuit Africano superiori noster

NOTES.

(10) *Saxa et solitudines voci respondent,* &c.] Several commentators suppose that Cicero here alludes to the fable of Orpheus, whom the poets, in order to represent to us the powerful efficacy of poetry, feign to have charmed tigers, lions, woods, and trees, by the music of his harp. Accordingly they refer *voce* and *cantu* to the same thing: but there seems to be no foundation for this supposition, which renders the sense of the passage less beautiful, and destroys, in some measure, the gradation in the orator's reasoning.

(11) *C. Mario, qui durior ad haec studia videbatur.*] The merit of Marius was altogether military; he was void of every accomplishment of learning, which he openly affected to despise.

(12) *Carus fuit Africano superiori noster Ennius.*] Ennius was an ancient poet, born at Rudiae, a town of Calabria. He wrote several things, of which only a few fragments have reached us. Hear what Horace says of him:

*Ennius ipse pater nunquam nisi potus ad arma
Prosiluit dicenda.*

are so great admirers of polite learning. Rocks and deserts re-echo sounds: savage beasts are often soothed by music, and listen to its charms; and shall we, with all the advantages of the best education, be unaffected with the voice of poetry? The Colophonians give out that Homer is their countryman, the Chians declare that he is theirs, the Salaminians lay claim to him, the people of Smyrna affirm that Smyrna gave him birth, and have accordingly dedicated a temple to him in their city: besides these, many other nations contend warmly for this honour.

SECT. IX. Do they then lay claim to a stranger, even after his death, on account of his being a poet; and shall we reject this living poet, who is a Roman both by inclination and the laws of Rome, especially as he has employed the utmost efforts of his genius to celebrate the glory and grandeur of the Roman people? For, in his youth, he *sang* the triumphs of C. Marius over the Cimbri; and even pleased that great general, who had but little relish for the charms of poetry: Nor is there any person so great an enemy to the muses, as not readily to allow the poet to blazon his fame, and consecrate his actions to immortality. Themistocles, that celebrated Athenian, upon being asked what music, or whose voice was most agreeable to him? is reported to have answered, *That man's who could best celebrate his virtues.* The same Marius too had a very high regard for L. Plotius, whose genius, he thought, was capable of doing justice to his actions. But Archias has described the whole Mithridatic war: a war of such danger and importance, and so very memorable for the great variety of its events both by sea and land. Nor does his poem reflect honour only on L. Lucullus, that very brave and renowned man, but likewise adds lustre to the Roman name. For under Lucullus, the Roman people penetrated into Pontus, impregnable till then by means of its situation, and the arms of its monarchs; under him the Romans, with no very considerable force, routed the numberless troops of the Armenians; under his conduct, too, Rome has the glory of delivering Cyzicum, the city of our faithful allies, from the rage of a monarch, and rescuing it from the devouring jaws of a mighty war. The praises of our fleet shall ever be recorded and celebrated, for the wonders performed at Tenedos, where the enemy's ships were sunk, and their commanders slain: Such are our trophies, such our monuments, such our triumphs. Those, therefore, whose genius describes these exploits, celebrate likewise the praises of the Roman name. Our Ennius was greatly beloved by the elder Africanus,

NOTES.

Scipio Africanus had a great regard for him; and, according to Valerius Maxi-

mus, erected his statue among the monuments of the Cornelian family.

Ennius: itaque etiam in sepulchro Scipionum putatur is esse constitutus è marmore. At iis laudibus certè non solum ipsi, qui laudantur, sed etiam populi Rom. nomen ornatur. (13) In coelum hujus proavus Cato tollitur: magnus honos populi Rom. rebus adjungitur: omnes denique illi Maximi, Marcelli, Fulvii non sine communi omnium nostrum laude decorantur.

X. Ergo illum, qui haec fecerat, Rudium hominem majores nostri in civitatem receperunt: nos hunc Heracliensem, multis civitatibus expetitum, in hac autem legibus constitutum, de nostra civitate ejiciemus? Nam si quis minorem gloriae fructum putat ex Graecis versibus percipi, quam ex Latinis, vehementer errat: propterea quod Graeca leguntur in omnibus ferè gentibus, Latina suis finibus, exiguis sane, continentur. Quare, si res hae, quas gessimus, orbis terrae regionibus definiuntur; cupere debeamus, quo minus manuum nostrarum tela pervenerint, eodem gloriam famamque penetrare: quod cum ipsis populis, de quorum rebus scribitur, haec ampla sunt; tum iis certè, qui de vita gloriae causâ dimicant, hoc maximum et periculorum incitamentum est, et laborum. Quam multos scriptores rerum suarum magnus ille Alexander secum habuisse dicitur? Atque is tamen, cum in Sigeo ad Achillis tumulum adstitisset, O fortunate, inquit, adolescens, qui tuae virtutis Homerum praecōnem inveneris! Et vere; nam nisi Ilias illa extisset, idem tumulus, qui corpus ejus contexerat, nomen etiam obruisset. Quid? noster hic Māgnus, qui cum virtute fortunam adaequavit, nonne Theophanem Mitylenaeum, scriptorem rerum suarum, in concione militum civitate donavit? et nostri illi fortis viri, sed rustici ac milites, dulcedine quadam gloriae commoti, quasi participes ejusdem laudis, magno illud clamore approbaverunt? Itaque, credo, si civis Rom. Archias legibus non esset, ut ab aliquo imperatore civitate donaretur, perficere non potuit? Sylla, cum Hispanos et Gallos donaret, credo, hunc petentem repudiasset: quem nos in concione vidimus, cum ei libellum malus poëta de populo subiecisset, quod epigramma in eum fecisset tantummodo alternis versibus longiusculis, statim ex iis rébus quas tunc vendebat, jubere ei praemium tribui, sub ea conditione, ne quid postea scriberet. Qui sedulitatem mali poëtae duxerit aliquo tamen praemio dignam; hujus ingenium et virtutem in scribendo, et copiam non expetisset? Quid? a Q. Metello Pio, familiarissimo suo,

NOTES.

(13) In coelum hujus proavus Cato tollitur.] By hujus our orator probably means one of the judges. The Cato he mentions

is Cato Major, who, according to Livy, was a great general, an able lawyer and statesman, and a very considerable orator.

and accordingly he is thought to have a marble statue amongst the monuments of the Scipio's. But those praises are not appropriated to the immediate subjects of them; the whole Roman people has a share in them. Cato, the ancestor of the judge here present, is highly celebrated for his virtues, and from this the Romans themselves derive great honour: in a word, the Maximi, the Marcelli, the Fulvii, cannot be praised without praising every Roman.

SECT. X. Did our ancestors then confer the freedom of Rome, on him who sung the praises of our heroes, on a native of Rudiae: and shall we thrust this Heraclean out of Rome, who has been courted by many cities, and whom our laws have made a Roman? For, if any one imagines that less glory is derived from the Greek than from the Latin poet, he is greatly mistaken; the Greek language is understood in almost every nation, whereas the Latin is confined to Latin territories, territories extremely narrow. If our exploits, therefore, have reached the utmost limits of the earth, we ought to be desirous that our glory and fame should extend as far as our arms: for, as these operate powerfully on the people whose actions are recorded, so to those who expose their lives for the sake of glory, they are the grand motives to toils and dangers. How many persons is Alexander the Great reported to have carried along with him, to write his history! And yet, when he stood by the tomb of Achilles at Sigeum, Happy youth, he cried, who could find a Homer to blazon thy fame! And what he said was true; for, had it not been for the Iliad, his ashes and fame had been buried in the same tomb. Did not Pompey the Great, whose virtues were equal to his fortune, confer the freedom of Rome, in the presence of the military assembly, upon Theophanes of Mitylene, who sung his triumphs? And these Romans of ours, men brave indeed, but unpolished, and mere soldiers, moved with the charms of glory, gave shouts of applause as if they had shared in the honour of their leader. Is it to be supposed then that Archias, if our laws had not made him a citizen of Rome, could not have obtained his freedom from some general? Would Sylla, who conferred the rights of citizenship on Gauls and Spaniards, have refused the suit of Archias? That Sylla whom we saw in an assembly, when a bad poet, of obscure birth, presented him a petition upon the merit of having written an epigram in his praise of unequal hobbling verses, order him to be instantly rewarded out of an estate he was selling at the time, on condition he should write no more verses? Would he, who even thought the industry of a bad poet worthy of some reward, not have been fond of the genius, the spirit, and eloquence of Archias? Could our poet, neither by his own interest, nor that of the Luculli, have obtained from his

qui civitate multos donavit, neque per se, neque per Luculos impetravisset? qui praesertim usque eò de suis rebus scribi cuperet, ut etiam (14) Cordubae natis poëtis, pingue quiddam sonantibus atque peregrinum, tamen aures suas dederet.

XI. Neque enim est hoc dissimulandum, quod obscurari non potest; sed prae nobis ferendum: trahimur omnes laudis studio, et optimus quisque maximè gloriâ ducitur. Illi ipsi philosophi, etiam in illis libellis, quos de contemnenda gloria scribunt, nomen suum inscribunt: in eo ipso, in quo praedicationem nobilitatemque despiciunt, praedicari se ac nominari volunt. (15) Decimus quidem Brutus, summus ille vir, et imperator, (16) Attii, amicissimi sui, carminibus, templorum ac monumentorum aditus exornavit suorum. Jam verò ille, qui cum Ætolis, Ennio comite, bellavit Fulvius, non dubitavit Martis manubias musis consecrare. Quare, in qua urbe imperatores propè armati poëtarum nomen, et musarum delubra coluerunt, in ea non debent togati judices à musarum honore, et à poëtarum salute abhorrere. Atque, ut id libentius faciatis, jam me vobis, judices, indicabo, et de meo quodam amore gloriae, nimis acri fortasse, verumtamen honesto, vobis confitebor. Nam quas res nos in consulatu nostro vobiscum simul pro salute hujus urbis atque imperii, et pro vita civium, proque universa republ. gessimus, (17) attigit hic versibus, atque inchoavit: quibus auditis, quòd mihi magna res et jucunda visa est, hunc ad perficiendum hortatus sum. Nullam enim virtus aliam mercedem laborum periculorumque desiderat, praeter hanc laudis et gloriae: quâ quidem detractâ, judices, quid est quod in hoc tam exiguo vitae curriculo, et tam brevi, tantis nos in laboribus exerceamus? Certè si nihil animus presentiret in posterum, et si, quibus regionibus vitae spatium circumscriptum est, eisdem omnes cogitationes terminaret suas; nec tantis se laboribus frangeret, neque tot curis vigiliisque angeretur, neque toties de vita ipsa dimicaret. Nunc insidet quaedam in optimo quoque virtus, quae noctes et dies animum gloriae stimulis concitat, atque admonet, non cum vitae tempore esse dimittendam commemorationem nominis nostri, sed cum omni posteritate adaequandam.

NOTES.

(14) *Cordubae natis poëtis.*] Corduba was a city of Hispania Boeotica; it gave birth to several bad poets, whose barbarous and bombast manner of writing Cicero here touches upon.

(15) *Decimus quidem Brutus, summus ille vir.*] This Decimus Brutus was consul with Scipio in the year of Rome 616, and going general into Spain, routed sixty thousand of the Gallaecians, for which he got the surname of Gallaecius.

(16) *Attii, amicissimi sui carminibus.*]

This Attius, or Accius, was a dramatic poet: he is mentioned in the tenth satire of the first book of Horace:

Nil comis tragicī mutat Lucilius Acci?

(17) *Attigit hic versibus, atque inchoavit.*] From the great character given of the talents and genius of Archias, we cannot help regretting the entire loss of his works. His poem on Cicero's consulship was probably never finished, as we find no farther mention of it in any of his his latter writings.

intimate friend Q. Metellus Pius the freedom of Rome, which he bestowed so frequently upon others? Especially as Metellus was so very desirous of having his actions celebrated, that he was even somewhat pleased with the dull and barbarous verses of the poets born at Corduba.

SECT. XI. Nor ought we to dissemble this truth, which cannot be concealed, but declare it openly: we are all influenced by the love of praise, and the greatest minds have the greatest passion for glory. The philosophers themselves prefix their names to those books which they write upon the contempt of glory; by which they shew that they are desirous of praise and fame, while they affect to despise them. Decimus Brutus, that great commander and excellent man, adorned the monuments of his family, and the gates of his temples, with the verses of his intimate friend Attius; and Fulvius, who made war with the Ætolians, attended by Ennius, did not scruple to consecrate the spoils of Mars to the muses. In that city, therefore, where generals, with their arms almost in their hands, have reverenced the shrines of the muses and the name of poets; surely magistrates in their robes, and in times of peace, ought not to be averse to honouring the one, or protecting the other. And to engage you the more readily to this, my lords, I will lay open the very sentiments of my heart before you, and freely confess my passion for glory, which, though too keen perhaps, is however virtuous. For what I did in conjunction with you, during my consulship, for the safety of this city and empire, for the lives of my fellow-citizens, and for the interests of the state, Archias intends to celebrate in verse, and has actually begun his poem. Upon reading what he has wrote, it appeared to me so sublime, and gave me so much pleasure, that I encouraged him to go on with it. For virtue desires no other reward for her toils and dangers, but praise and glory: take but this away, my lords, and what is there left in this short, this scanty career of human life, that can tempt us to engage in so many and so great labours? Surely, if the mind had no thought of futurity, if she confined all her views within those limits which bound our present existence, she would neither waste her strength in so great toils, nor harass herself with so many cares and watchings, nor struggle so often for life itself: but there is a certain principle in the breast of every good man, which both day and night quickens him to the pursuit of glory, and puts him in mind that his fame is not to be measured by the extent of his present life, but that it runs parallel with the line of posterity.

XII. An verò tam parvi animi videamur esse omnes, qui in
repub. atque in his vitae periculis laboribusque versamur, ut, cùm
usque ad extrellum spatium, nullum tranquillum atque otiosum
spiritum duxerimus, nobiscum simul moritura omnia arbitremur?
An cùm statuas et imagines, non animorum simulacra, sed cor-
porum, studiosè multi summi homines reliquerunt, consiliorum
relinquere ac virtutum nostrarum effigiem nonne multo malle de-
bemus, summis ingenii expressam et politam? Ego verò omnia,
quae gerebam, jam tum in gerendo spargere me ac disseminare
arbitrabar in orbis terrae memoriam sempiternam. Haec verò
sive à meo sensu post mortem abfutura sunt, sive, ut sapientissimi
homines putaverunt, ad aliquam animi mei partem pertine-
bunt, nunc quidem certè cogitatione quadam, speque delector.
Quare, conservate, judices, hominem pudore eo, quem amico-
rum studiis videtis comprobari tum dignitate, tum etiam venus-
tate: ingenio autem tanto, quantum id convenit existimari, quòd
summorum hominum ingenii expetitum esse videatis: causa verò
ejusmodi, quae beneficio legis, auctoritate municipii, testimonio
Luculli, tabulis Metelli comprobetur. Quae cùm ita sint: peti-
mus à vobis, judices, si qua non modò humana, verùm etiam di-
vina in tantis negotiis commendatio debet esse; ut eum, qui vos,
qui vestros imperatores, qui populi Romani res gestas sémper or-
navit, qui etiam his recentibus nostris vestrisque domesticis peri-
culis, aëternum se testimonium laudum daturum esse profitetur,
quique est eo numero, qui semper apud omnes sancti sunt habiti
atque dicti: sic in vestram accipiatis fidem, ut humanitate vestrâ
levatus potius, quam acerbitate violatus esse videatur. Quae de
causa, pro mea consuetudine, breviter simpliciterque dixi, judices,
ea confido probata esse omnibus: quae non fori, neque judiciali
consuetudine, et de hominis ingenio, et communiter de ipsis
studio locutus sum, ea, judices, a vobis spero esse in bonam par-
tem accepta: ab eo, qui judicium exerceat, certè scio.

SECT. XII. Can we, who are engaged in the affairs of the state, and in so many toils and dangers, think so meanly as to imagine that, after a life of uninterrupted care and trouble, nothing shall remain of us after death? If many of the greatest men have been careful to leave their statues and pictures, these representations, not of their minds, but of their bodies; ought not we to be much more desirous of leaving the portraits of our enterprises and virtues, drawn and finished by the most eminent artists? As for me, I have always imagined, whilst I was engaged in doing whatever I have done, that I was spreading my actions over the whole earth, and that they would be held in eternal remembrance. But whether I shall lose my consciousness of this at death, or whether, as the wisest men have thought, I shall retain it after, at present the thoughts delight me, and my mind is filled with pleasing hopes. Do not then deprive us, my lords, of a man whom modesty, a graceful manner, engaging behaviour, and the affections of his friends, so strongly recommend; the greatness of whose genius may be estimated from this, that he is courted by the most eminent men of Rome; and whose plea is such, that it has the law in its favour, the authority of a municipal town, the testimony of Lucullus, and the register of Metellus. This being the case, we beg of you, my lords, since, in matters of such importance, not only the intercession of men, but of gods, is necessary, that the man who has always celebrated your virtues, those of your generals, and the victories of the Roman people; who declares that he will raise eternal monuments to your praise and mine, for our conduct in our late domestic dangers, and who is of the number of those that have ever been accounted and pronounced divine, may be so protected by you, as to have greater reason to applaud your generosity, than to complain of your rigour. What I have said, my lords, concerning this cause, with my usual brevity and simplicity, is, I am confident, approved by all: what I have advanced upon poetry in general, and the genius of the defendant, contrary to the usage of the forum and the bar, will, I hope, be taken in good part by you; by him who presides upon the bench, I am convinced it will.

ORATIO X.

*PRO M. COELIO.**

I. Si quis, judices, fortè nunc adsit ignarus legum, judiciorum, consuetudinis nostrae: miretur profectò, quae sit tanta atrocitas hujusce causae, quod diebus festis, ludisque publicis, omnibus negotiis forensibus intermissis, unum hoc judicium exerceatur: nec dubitet quin tanti facinoris reus arguatur, ut, eo neglecto, civitas stare non possit; idem, cùm audiat esse legem, quae de seditiosis consceleratisque civibus, qui armati senatum obsederint, magistratibus vim attulerint, rempublicam oppugnârint, quotidie quaeri jubeat; legem non improbet; crimen quod versetur in judicio, requirat: cùm audiat, nullum facinus, nullam audaciam, nullam vim in judicium vocari; sed adolescentem illustri ingenio, industria, gratiâ, accusari ab ejus filio, (1) quem ipse in judicium et vocet, et vocârit; oppugnari autem opibus meretriciis; Atratinus illius pietatem non reprehendat, muliebrem libidinem comprehendam putet: vos laboriosos existimet, quibus otiosis, ne in communi quidem otio, liceat esse. Etenim, si attendere diligenter, et existimare verè de omni hac causa volueritis; sic constitutis, judices, nec descensurum quemquam ad hanc accusationem

NOTES.

* Marcus Coelius was a young gentleman of equestrian rank, of a fine genius and great accomplishments, trained under the discipline of Cicero himself, to whose care he was committed by his father, upon his first introduction into the forum. Before he was of age to hold any magistracy, he had distinguished himself by two public impeachments; the one of C. Antonius, Cicero's colleague in the consulship, for conspiring against the state; the other of L. Atratinus, for bribery and corruption. Atratinus's son revenged his father's quarrel,

and accused Coelius of public violence, of being the friend of Catiline, of being concerned in the assassination of Dio, the chief of the Alexandrian embassy, of an attempt to poison Clodia, the sister of Clodius, a lady of an infamous character, and of several other crimes. Coelius had been Clodia's gallant, and her resentment for his slighting her favours was the real source of all his trouble. In this oration, which was made in the 697th year of Rome, and the 51st of Cicero's age, he is defended by Cicero, and was acquitted.

ORATION X.

FOR COELIUS.

SECT. I. If it should happen, my lords, that there is any one present who is unacquainted with our laws, our judicial proceedings, and the forms of our courts, it must certainly be matter of surprise to such a person, what can render this cause of so very heinous a nature, that it alone should be tried on festival days, during the celebration of public sports, and a total suspension of business in the forum; and he will undoubtedly conclude, that the accused is charged with crimes of so atrocious a nature, that not to inquire into them, would be to overturn the state. When this person shall be told, that there is a law for bringing to trial, on any day, such seditious and profligate citizens as have in arms beset the senate, offered violence to the magistrates, or made an attack upon the commonwealth, he may still, without disapproving the law, desire to know what crime it is that is trying. And when he is informed that there is no crime depending, no audacious enterprise, no act of violence; but that a young man of distinguished genius, application and interest, is accused by one whose father has been for some time past, and is at this present time, under prosecution at his instance; that he is attacked by the power of a prostitute; he will not blame the piety of Atratinus, will think that a check ought to be given to female lewdness, and will look on yours as a laborious office, who, even during a season of general festivity, can have no relaxation. If, my lords, you consider this whole cause attentively, and form a proper judgment concerning it, you must conclude, that no one

NOTES.

(1) *Quem ipse in judicium et vocet, et
socari. Coelius had some time before
impeached L. Atratinus, the father, for*

bribery, of which he was acquitted;
and had now brought him to a second
trial.

fuisse, cui, utrum vellet, liceret; nec, cum descendisset, quidquam habiturum speci fuisse, nisi alicujus intolerabili libidine, et nimis acerbo odio niteretur; sed ego Atratino, humanissimo atque optimo adolescenti, meo necessario, ignosco, qui habet execrationem vel pietatis, vel necessitatis, vel aetatis: si voluit accusare, pietati tribuo; si jussus est, necessitati; si speravit aliquid, pueritiae; caeteris non modò nihil ignoscendum, sed etiam acriter est resistendum.

II. Ac mihi quidem videtur, judices, hic introitus defensionis, adolescentiae M. Coelii maximè convenire, ut ad ea quae accusatores, deformandi hujus causâ, detrahendae spoliandaeque dignitatis gratiâ, dixerunt, primùm respondeam. Objectus est pater variè, quòd aut parùm splendidus ipse, aut parùm piè, tractatus à filio dicceretur. De dignitate, Coelius notis ac majoribus natu, etiam sine mea oratione, tacitus facilè ipse respondet; quibus autem propter senectutem, quòd jam diu minùs in foro nobiscum versatur, non aequè est cognitus; hi sic habeant: quaecunque in equite Romano dignitas esse possit, quae certè potest esse maxima, eam semper in M. Coelio habitam esse sumimam, hodieque haberi, non solùm à suis, sed etiam ab omnibus, quibus potuerit aliqua de causa esse notus. Equitis autem Romani esse filium, criminis loco poni ab accusatoribus neque his judicantibus oportuit, neque defendantibus nobis. Nam, quod de pietate dixistis, est quidem ista nostra existimatio, sed judicium certè parentis: quid nos opinemur, audietis ex juratis; quid parentes sentiant, lacrymae matris incredibilisque moeror, squalor patris, et haec presens moestitia, quam cernitis, luctusque declarat. Nam, quod est objectum, municipibus esse adolescentem non probatum suis: nemini unquam praesenti Puteolani majores honores habuerunt, quam absenti M. Coelio: quem et absentem (2) in amplissimum ordinem cooptârunt, et ea non pètenti detulerunt, quae multis pètentibus denegârunt: iidemque nunc lectissimos viros, et nostri ordinis, et equites Romanos, cum legatione ad hoc judicium, et cum gravissima atque ornatissima laudatione miserunt. Videor mihi jecisse fundamenta defensionis meae: quae firmissima sunt, si nitantur judicio suorum; neque enim vobis satis com-

NOTES.

(2) *In amplissimum ordinem cooptârunt.*] The municipia were commonly corporations, or infranchised places, where the natives were allowed the use of their old laws and constitutions, and at the same time honoured with the pri-

vilege of Roman citizens. They had a little senate, which they called *curia*, and the senators were called *decuriones*. It was into this order Coelius is here said to have been enrolled.

would have been an accuser in it but by constraint; nor, if he had, would have entertained any hopes of success, but from the intolerable humour and furious resentment of some other person. But I pardon Atratinus, who is a young man of great humanity and virtue; my friend; and may plead piety, necessity, or age, in his excuse. If he accused Coelius voluntarily, I impute it to filial piety; if by command, to necessity; if from hopes of success, to youth. The other accusers must not only not be pardoned, but they must be opposed vigorously.

SECT. II. Now, my lords, the youth of Coelius seems to me to require, that I open my defence, by replying to what his accusers have advanced, in order to stain his character, to detract from, and deprive him of his dignity. His father is differently represented; either as not making a genteel figure in life, or as being disrespectfully treated by his son. As to the figure his father makes, I need say nothing; old Coelius himself, to such as know him, and are advanced in years, without opening his mouth, is a sufficient reply. With regard to those who have had but few opportunities of knowing him, as his years have long since obliged him to leave off coming to the forum, let such know, that whatever dignity the character a Roman knight can admit of, and surely it can admit of the greatest, has ever been thought to be displayed by M. Coelius in its highest lustre; and is still, not only by his own relations, but by all who have had occasion to know him. That Coelius is the son of a Roman knight, should never have been urged by the prosecutor as an accusation, when you, my lords, were on the bench, or I at the bar. As to what you have alleged in regard to his piety, we may indeed give our opinion; but it belongs surely to his parents to determine concerning it. What our sentiments are, you will hear from the evidences on oath; what those of his parents are, is evident from the tears and inexpressible sorrow of his mother, from that air of dejection in the countenance of his father, and that mourning habit wherein you see him appear. It is farther objected, that this young man is not agreeable to his fellow-citizens: in regard to this, the inhabitants of Puteoli never bestowed greater honours on any one when present, than they have on M. Coelius when absent; they have, in his absence, enrolled him into their highest order, and conferred upon him, unasked, what they have denied to the solicitations of many; they have likewise sent to this trial, persons of the greatest distinction, both senators and Roman knights, with the strongest and fullest recommendations. Methinks I have now laid the ground-work of my defence; and a strong one it is, if it rests on the judgment of those with whom Coelius is most intimately connected. Nor

mendata hujus aetas esse posset, si non modò parenti tali viro, verùm etiam municipio tam illustri ac tam gravi displiceret.

III. Evidem, ut ad me revertar, ab his fontibus profluxi ad hominum famam: et meus hic forensis labor vitaeque ratio dimanavit ad existimationem hominum paulò latiùs, commendatione ac judicio meorum. Nam, quod objectum est de pudicitia, quodque omnium accusatorum non criminibus, sed vocibus maledictisque celebratum est, id nunquam tam acerbè feret M. Coelius, ut eum poeniteat non deformem esse natum; sunt etenim ista maledicta pervulgata in omnes, quorum in adolescentia forma et species fuit liberalis. Sed aliud est maledicere, aliud accusare: accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet; maledictio autem nihil habet propositi, praeter contumeliam: quae si petulantiūs jactatur, convictum; si facetiūs, urbanitas nominatur. Quam quidem partem accusationis admiratus sum, et molestè tuli potissimum esse Atratino datam; neque enim decebat, neque aetas illa postulabat: neque, id quod animadvertere poteratis, pudor patiebatur optimi adolescentis, in tali illum oratione versari. Velle (3) aliquis ex vobis robustioribus hunc maledicendi locum suscepisset; aliquanto liberiūs, et fortiūs, et magis more nostro refutaremus istam maledicendi licentiam. Tecum, Atratine, agam leniūs, quòd et pudor tuus moderatur orationi meae; et meum erga te, parentemque tuum beneficium tueri debedo. Illud tamen te esse admonitum volo: primùm qualis es, talem te esse existimes: ut quantum à rerum turpitudine abes, tantum te à verborum libertate sejungas: deinde ut ea in alterum ne dicas, quae cùm tibi falsò responsa sint, erubescas; quis est enim, cui via ista non pateat? qui isti aetati [atque etiam dignitati] non possit, quam vellet petulanter, etiamsi sine ulla suspicione, at non sine argumento maledicere? Sed istarum partium culpa est corum qui te agere voluerunt: laus pudoris tui, quòd ea te invitum dicere videbamus: ingenii, quòd ornatè politéque dixisti.

IV. Verùm ad istam omnem orationem brevis est defensio, nam quoad aetas M. Coelii dare potuit isti suspicioni locum, fuit primùm ipsius pudore, deinde etiam patris diligentia, disciplinâ-

NOTES.

(3) *Aliquis ex vobis robustioribus, &c.*] By robustiores, Cicero means Herennius Balbus, and others, who had a share in

this prosecution, and were farther advanced in years than Atratinus.

could his age have sufficiently recommended him to your favourable regards, had he fallen under the displeasure, not only of such a father, but of so worthy and illustrious a corporation.

SECT. III. To return to myself: from this source it is that my reputation flows: my labours at the bar, and the course of life in which I am engaged, have diffused themselves wider among mankind in consequence of the praises and judgment of my friends. As to what is urged against him by all his accusers in regard to chastity, supported indeed not by facts, but mere assertions and slander; Coelius will never feel it so sensibly as to regret that he was not formed ugly by nature; for such scandal is common against all who have been distinguished in their youth by a graceful air and a genteel figure. But to scandalize is one thing, and to accuse another. An accusation requires a crime, and this crime must be fixed; it must mark out the person, be proved by arguments, and confirmed by evidences: scandalising has nothing in view but contumely: which, if it is urged with petulance, becomes abuse; if pleasantly, polite raillery. I was indeed surprised, and not a little concerned, that this part of the accusation should chiefly fall to Atratinus; for it was not a part that became him, nor was it proper for his age; and, as you might have observed, the modesty of the worthy youth would not allow him to treat a subject of so indelicate a nature. I wish some of you veterans had undertaken this province; I should then have given a check to that wantonness of scandalizing with more strength and freedom, and more in my usual way; with you, Atratinus, I shall deal more softly, both because your modesty is a restraint upon me, and because I think it my duty to preserve my friendship for you and your father. Thus much, however, I would put you in mind of: in the first place, to entertain a just sense of your own real character, and to keep at as great a distance from all indecent freedom of speech, as you do from every thing that is base and indecent in action; and, in the next place, never to charge another with what would make yourself blush, were you charged with it unjustly. For who is there that may not tread the path of scandal? who, that may not, with what petulance he pleases, scandalize such youth; and, how blameless soever, make it in some measure appear guilty? But the blame of what part you have in this accusation, must fall upon those who imposed it upon you: to the praise of your modesty be it said, that we saw you speak with reluctance; and to that of your genius, that you spoke with elegance and politeness.

SECT. IV. There is however a short answer to all this: for as long as the age of Coelius exposed him to such suspicions, it was

que munita: qui ut huic virilem togam dedit, nihil dicam hoc loco de me: tantum sit, quantum vos existimatis: hoc dicam, (4) hunc à patre continuò ad me esse deductum; nemo hunc M. Coelium in illo aetatis flore vidit, nisi aut cum patre, aut mecum, aut in M. Crassi castissima domo, cùm artibus honestissimis eruditur. Nam quòd Catilinae familiaritas objecta Coelio est, longè ab ista suspicione abhorrente debet; hoc enim adolescentem, scitis consulatum mecum petisse Catilinam; ad quem si accessit, aut si à me discessit unquam, quanquam multi boni adolescentes illi homini nequam atque improbo studuerunt, tum existimetur Coelius Catilinae nimium familiaris fuisse. At enim posteà scimus et vidimus esse hunc in illius amicis. Quis negat? sed ego illud tempus aetatis, quod ipsum suâ sponte infirmum, aliorum libidine infestum est, id hoc loco defendō; fuit assiduus mecum, praetore me: non noverat Catilinam: Africam tum praetor ille obtinebat: secutus est annus: causam de pecuniis repetundis Catilina dixit; mecum erat hic: (5) illi ne advocatus quidem venit unquam; deinceps fuit annus, quo ego consulatum petivi: petebat Catilina mecum: nunquam ad illum accessit; à me nunquam recessit.

V. Tot igitur annos versatus in foro sine suspicione, sine infamia, studuit Catilinae iterum potenti. Quem ergo ad finem putas custodiendam illam aetatem fuisse? Nobis quidem olim annus erat unus, ad cohibendum brachium togā, constitutus, et ut exercitatione ludoque campestri tunicati uteremur: eademque erat, si statim mereri stipendia cooperamus, castrensis ratio ac militaris; quā in aetate, nisi qui se ipse suā gravitate, et castimoniā, et cùm disciplinā domesticā, tum etiam naturali quodam bono defenderat; quoquo modo à suis custoditus esset, tamen infamiam veram effugere non poterat. Sed qui prima illa initia aetatis integra atque inviolata praestitisset; de ejus fama ac pudicitia, cùm is jam se corroboravisset, ac vir inter viros esset, nemo loquebatur. Studuit Catilinae, cùm jam aliquot annos esset in foro Coelius, et multi hoc idem ex omni ordine atque ex omni aetate fecerunt; (6) habuit enim ille, sicuti meminisse

NOTES.

(4) *Hunc a patre continuò ad me esse deductum.*] Of all people the Romans were the most exact and careful in the education of their children. When young gentlemen had finished the course of their puerile studies, it was the custom to change the habit of the body for what they called the manly gown; and on this occasion they were introduced into the forum with much solemnity, attended by all the friends and dependents of the family; and after divine rites performed in the Capitol, were committed to the special care of some eminent senator, distinguished for his eloquence or know-

ledge of the laws; to be instructed by him in the conduct of civil affairs, and to form themselves by his example for useful members and magistrates of the republic. Thus Coelius was placed under the care of Cicero, who had himself, as we are told in his piece *De Amicitia*, been placed under that of Scaevola, the principal lawyer, as well as statesman, of that age.

(5) *Illi ne advocatus quidem venit unquam.*] By *advocatus* is here meant one who attended his friend at his trial. For it was usual both in public and private trials, for the friends and acquaintance

guarded first by his own modesty, and then by the vigilance and instruction of his father, who, as soon as he gave him the manly gown, (I shall say nothing here of myself, my character is submitted to you; but) this I will say, he was directly brought by his father to me. No one saw this M. Coelius in that bloom of life, but either in company with his father, or with me, or in the chaste house of M. Crassus, where he was instructed in the most liberal arts. As to the familiarity with Catiline which is objected to Coelius, there is not the least ground for such suspicion. When he was a lad, you know that Catiline stood with me for the consulship: If at that time he ever kept him company, or if ever he left me (though many worthy young men were attached to that wicked and abandoned fellow), then let him be thought to have been too familiar with Catiline. We know, however, that he was afterwards among the friends of Catiline, and saw him among them. Who denies it? But I am only defending that period of life, which of itself is naturally weak, and liable to be infected by the vices of others. During my praetorship, he was constantly with me, and did not know Catiline, who was then praetor in Africa. The year following, Catiline was tried for extortion; Coelius was with me, and did not even appear in court for him as a friend. The year after, I stood for the consulship; so did Catiline: Coelius was never seen with him; from me he never departed.

SECT. V. Having therefore frequented the forum for so many years without suspicion, without infamy, he attached himself to Catiline, who stood again for the consulship. How long, then, do you think that youth is to be watched? A year was formerly allowed us to learn to keep the arm within the gown, and to perform our exercises and diversions in the field of Mars in our tunics. The same discipline was observed in the camp, and in all military operations, when we began to carry arms. During that period no one could avoid real infamy, whatever care was taken of him by his friends, who had not a decency and gravity of behaviour to defend his character, and, together with the advantages of private instruction, a kind of natural bias to virtue. But whoever passed this early part of life with honour and without reproach, when he grew up, and lived as a man among men, no reflections were ever heard against his reputation or chastity. Coelius favoured Catiline, after frequenting the forum for several years: why, this was no more than what many others did, of every rank, and of every age. For Catiline, as I suppose you

NOTES.

of the accused to attend him, and to solicit in his behalf,

(6) *Habuit enim ille permulta maxima-
rum non expressa signa, sed adunbrata vir-*

vos arbitror, permulta maximarum non expressa signa, sed adumbrata virtutum: utebatur hominibus improbis multis, et quidem optimis se viris deditum esse simulabat: erant apud illum illecebrae libidinum multae; erat etiam industriae quidam stimuli ac laboris: flagrabant vitia libidinis apud illum; vigebant etiam studia rei militaris: neque ego unquam fuisse tale monstrum in terris illum puto, tam ex contrariis diversisque inter se pugnantibus naturae studiis cupiditatibus conflatum.

VI. Quis clarioribus viris quodam tempore jucundior? quis turpioribus conjunctior? quis civis meliorum partium aliquando? quis tetricus hostis huic civitati? quis in voluptatibus inquinatior? quis in laboribus patientior? quis in rapacitate avarior? quis in largitione effusior? Illa verò, judices, in illo homine mirabilia fuerunt, comprehendere multos amicitiā, tueri obsequio, cum omnibus conūmunicare quod habebat, servire temporibus suorum omnium pecuniā, gratiā, labore corporis, scelere etiam, si opus esset, et audaciā: versare suam naturam, et regere ad tempus, atque huc et illuc torquere et flectere: cum tristibus severè, cum remissis jucundè, cum senibus graviter, cum juventute comiter, cum facinorosis audacter, cum libidinosis luxuriosè vivere. Hac ille tam variā multiplicique naturā, cùm omnes omnibus ex terris homines improbos audacesque collegerat, tum etiam multos fortis viros et bonos, specie quādam virtutis assimulatae, tenebat: neque unquam ex illo delendi hujus imperii tam consceleratus impetus exstitisset, nisi tot vitiorum tanta immanitas quibusdam facilitatis et patientiae radicibus niteretur. Quare ista conditio, judices, respuatur: nec Catilinae familiaritatis crimen haereat; est enim commune cum multis et cum quibusdam etiam bonis. Me ipsum, me, inquam, quondam penè ille decepit; cùm et civis mihi bonus, et optimi cuiusque cupidus, et firmus amicus ac fidelis videretur; cuius ego facinora oculis priùs, quam opinione, manibus antè, quam suspicione, deprehendi; cuius in magnis catervis amicorum si fuit etiam Coelius, magis est, ut ipse molestè ferat errasse se, sicuti nonnunquam in eodem homine me quoque erroris mei poenitet, quam ut istius amicitiae crimen reformidet.

VII. Itaque à maledictis pudicitiae ad conjurationis invidiam oratio est vestra delapsa: posuistis enim, atque id tamen tituban-

NOTES.

tutum.] Cicero, in several parts of his writings, gives us a just character of Ca- tiline; but in none a more lively and striking picture than in this passage.

remember, had many sketches, though not finished pictures, of the greatest virtues; he was familiar with many profligate fellows, and yet affected to be devoted to men of the greatest worth. His house furnished out several temptations to lewdness, and at the same time several incentives to labour and industry: It was a scene of vicious pleasures, and at the same time a school of martial exercises. Nor do I believe there was ever such a monster on earth, compounded of inclinations and passions so very different, and so repugnant to each other.

SECT. VI. Who was ever more agreeable at one time to the most illustrious citizens? who more intimate at another with the most infamous? At one time, what citizen had better principles? and yet who a fouler enemy to Rome? Who more intemperate in pleasure? who more patient in labour? Who more rapacious in plundering? who more extravagant in squandering? Yet this man, my lords, had a surprising faculty of engaging many to his friendship, and fixing them by his observance: sharing with all of them whatever he had, serving them with his money, his interest, his labour, and, if occasion required, by the most daring acts of wickedness; fashioning his nature according to his purposes, bending and turning it every way at pleasure; living with the morose, severely; with the free, merrily; with the aged, gravely; with the young, cheerfully; with the enterprising, audaciously; with the vicious, luxuriously. By such a variety and complication of character, he had got together from every country all the profligate and audacious, and yet preserved the friendship of many brave and worthy men by the specious shew of a pretended virtue; nor could he ever have made so wicked an attempt to destroy our government, had not the so great enormity of his many vices had some support from a flexibility and hardness of temper. Let that part of the accusation then, my lords, be rejected; nor let familiarity with Catiline be any more urged as a crime, for it is common with Coelius, with many others, and even some very worthy men. There was a time when I myself, I say, when I was almost deceived by him; when he appeared to me a good citizen, an admirer of every worthy man, a firm and a faithful friend. I was not convinced of his crimes till after I saw them; nor did I suspect them before I had felt them. If Coelius made one of the great number of his friends, he has more reason to regret his mistake, as I sometimes do mine in regard to the same person, than to dread being charged with being the friend of Catiline.

SECT. VII. Thus, from bringing a scandalous accusation of an intrigue against Coelius, you have proceeded to load him with the

ter et strictim, conjurationis hunc, propter amicitiam Catilinae, participem fuisse: in quo non modò crimen non haerebat, sed vix diserti adolescentis cohaerebat oratio. Qui enim tautus furor in Coelio? quod tantum aut in moribus naturaque vulnus, aut in re atque fortunâ? ubi denique est in ista suspicione Coelii nomen auditum? Nimium multa de re minimè dubia loquor: hoc tamen dico, non modò si socius conjurationis, sed nisi inimicissimus istius sceleris fuisse, nunquam conjurationis accusatione adolescentiam suam potissimum commendare voluisse: quòd, haud scio, an de ambitu, et de criminibus istius sodalium ac sequestri, quoniam huc incidi, similiter respondendum putem; nunquam enim tam Coelius amens fuisse, ut, si se isto infinito anibitu commaculâsse, ambitus alterum accusaret: neque ejus facti in altero suspicionem quaereret, cuius ipse sibi perpetuam licentiam optaret: nec, si sibi semel periculum ambitus subeundum putaret, ipse alterum iterum ambitus crimine arcesseret: quod quanquam nec sapienter, et me invito facit, tamen est ejusmodi cupiditatis, ut magis insectari alterius innocentiam, quam de se timidè cogitare videatur. Nam quòd aes alienum objectum est, sumptus reprehensi (7) tabulae flagitatae: videte quam pauca respondeam. Tabulas, qui in patris potestate est, nullas conficit. (8) Versuram nunquam omnino fecit ullam. Sumptus unius generis objectus est, habitationis: triginta millibus dixistis eum habitare; nunc denum intelligo, (9) P. Clodii insulam esse venalem, cuius hic in aediculis habitat, decem, ut opinor, millibus; vos autem, dum illi placere vultis, ad tempus ei mendacium vestrum accommodavistis. Reprehendistis, à patre quod semigravit: quod quidem jam in hac aetate minimè reprehendendum est; qui, cum et ex reipub. causa esset, (10) mihi quidem molestam, sibi tamen gloriosam victoriam consecutus, et per actatem magistratus petere posset, non modò permittente patre, sed etiam suadente, ab eo semigravit: et, cum domus patris à foro longè abasset, quo facilius, et nostras obire domos, et ipse à suis colli posset, conduxit in Palatio, non magno, domum.

NOTES.

(7) *Tabulae flagitatae.*] It was usual among the Romans, for masters of families to keep books of accounts, wherein they regularly marked down every day whatever money they either received or expended.

(8) *Versuram nunquam omnino fecit ullam.*] *Versuram facere* generally signifies to take up money of one at a great interest, in order to pay a debt to another, or simply to change one's creditor;

but here it signifies only to borrow money.

(9) *P. Clodii insulam esse venalem.*] By *insula* is here meant either several houses joined together, or one house only, with the street on every side.

(10) *Mihi quidem molestam, sibi tamen gloriosam victoriam consecutus esse.*] What is here referred to is Coelius's impeachment of Caius Antonius, Cicero's colleague in the consulship, and defended by him, but cast and banished.

odium of being engaged in a conspiracy. For you have alleged, though not without hesitation, and in a superficial manner, that because he was the friend, he was therefore the accomplice of Catiline: an accusation on which not only no crime could be founded, but scarcely could the eloquent youth talk coherently when he urged it. Why all this fury in Coelius? whence this foul stain in his character and disposition, or distress in his circumstances and fortune? To add no more, where did Coelius ever lie under such a suspicion? But I spend too much time in a matter so very evident. Thus much, however, I will add, that if Coelius had been engaged in that conspiracy, nay, if he had not held it in the utmost abhorrence, he would never have thought of recommending himself in his youth, by bearing a part in impeaching the conspirators. And I know not whether I may not return the same answer to the charge against his ambition, and the crimes of his companions and associates, now that I am upon that subject. For if Coelius had brought a stain upon his own character by plunging so deep into corruption, he would never have been so foolish as to accuse another of the same practices; nor would he have endeavoured to render another suspected of what he wished that he himself might always have the liberty of doing; nor would he have twice accused another of corruption, if he had thought that he himself was once to be tried for it: which though he did both imprudently, and contrary to my inclination, yet such is his temper, that he chooses rather to attack the innocence of another, than to seem afraid for his own. As to the debts which are objected to him, the expences for which he is blamed, and the books of accounts which are demanded, my answer shall be very short. One who is under the direction of his father, keeps no books of accounts: as to money, he has never borrowed any; and the only article of expence with which you charge him is his house, for which you say he pays thirty thousand sesterces a-year. Now, at last, I see that the house of Cledius is to be sold, a small part of which Coelius rents for ten thousand sesterces a-year, as I imagine: but you, out of a desire of pleasing him, have made this lie to serve a present purpose. You blame him for taking a separate house from his father; a thing for which, at this time of life, he is far from being blameable. Having, in a public cause, gained a victory, to me indeed disagreeable, but to himself glorious; and being of an age to stand for offices, his father not only allowed, but advised him to leave his house: which being a great way off from the forum, he hired one at a moderate rent upon the palatium, that he might be nearer our houses, and that it might be more convenient for his friends to wait upon him.

VIII. Quo loco possum dicere id, quod vir clarissimus M. Crassus, (11) cùm de adventu regis Ptolemaei quereretur, paulò antè dixit, *Utinam ne in nemore Pelio*—Ac longius quidem mihi contexere hoc carmen licet: *Nam nunquam hera errans hanc molestiam nobis exhiberet, Medea animo ægra, amore sævo saucia.* Sic enim, judices, reperietis (quod, cùm ad id loci venero, ostendam) (12) hanc Palatinam Medeam, migrationemque, huic adolescenti causam sive malorum omnium, sive potius sermonum fuisse. Quamobrem illa, quae ex accusatorum oratione praemuniri jam, et fingi intelligebam, fretus vestrâ prudentiâ, judices, non pertimesco. Aiebant enim fore testem senatorem, qui se pontificiis comitiis pulsatum à Coelio diceret; à quo quaeram si prodierit, primum cur statim nihil egerit? deinde, si id queri, quām agere maluerit, cur productus à vobis potius, quām ipse per se? cur tanto pòst potius, quām continuò, queri maluerit? Si mihi ad haec acutè argutéque responderit; tum quaeram denique, ex quo iste fonte senator emanet? nam si ipse orietur et nascetur ex sese, fortasse, ut soleo, commovebor; (13) sin autem, ut rivulus, arcessitus et ductus ab ipso capite accusationis vestrae, laetabor, cùm tantâ gratiâ tantisque opibus accusatio vestra nitatur, unum senatorem solum esse, qui vobis gratificari vellet, inventum. Nec tamen illud genus alterum nocturnorum testium pertimesco; est enim dictum ab illis, fore qui dicent, uxores suas à caena redeuntes attractatas esse à Coelio. Graves erunt homines, qui hoc jurati dicere audebunt: cùm sit his confitendum, nunquam se, (14) ne congressu quidem et constituto, coepisse de tantis injuriis experiri.

IX. Sed totum genus oppugnationis hujus, judices, et jam propicitis animis, et, cùm inferetur, propulsare debebitis; non enim ab iisdem accusatur M. Coelius, à quibus oppugnatur; palam in eum tela jaciuntur, clam subministrantur. Neque id ego dico, ut invidiosum sit in eos, quibus gloriosum hoc etiam esse debet: funguntur officio: defendant suos: faciunt quod viri fortissimi solent:

NOTES.

(11) *Cum de adventu regis Ptolemaei quereretur.*] Ptolemy king of Egypt, being driven out of his kingdom, went to Rome to beg help and protection against his rebellious subjects, who sent deputies after him, to plead their cause before the senate, and to explain the reasons of their expelling him; most of whom he contrived to have assassinated on the road, before they reached the city. But it was objected to Coelius, that he had beaten these deputies at Puteoli; which part of the accusation when Cras-

sus, who had defended Coelius before Cicero, was refuting, he complained of Ptolemy's coming to Rome, as being the remote cause of this part of the charge, and took occasion to repeat the following verse of Ennius—*Utinam ne in nemore Pelio, &c.* Where the poet, in like manner, mentioned the remote cause of the passion which ruined Medea: for it was of the trees that grew upon mount Pelion in Thessaly that the ship Argo was built, wherein Jason sailed.

(12) *Hunc Palatinam Medeam.*] Cicero

SECT. VIII. And here I may say what the renowned M. Crassus lately said, when complaining of king Ptolemy's arrival: *O that never in the Pelian wood—I might even go on with this poem: Never then had a wandering lady given us this trouble, a love-sick Medea, &c.* For you will find, my lords, when I come to speak upon it, I shall prove that this Medea of the Palatium, and the removal of this young gentleman, has been the cause of all the evils he has suffered, or rather of all that has been alleged against him. Supported then by your wisdom, my lords, I am not afraid of what I find from the words of the accusers themselves, to be nothing but fiction and contrivance. For they alleged that there will be a senator to give evidence that he was beaten by Coelius at the election of pontiffs. If such a senator appears, I shall ask him, in the first place, why he did not immediately bring an action? In the next place, if he chose rather to complain than bring an action, why he did it rather at your instigation, than of his own accord? Why he chose to complain so long after the thing happened, and not directly? If he answers these questions with shrewdness and subtilty, I shall then enquire, from what source this senator flows? For if he springs from himself, I shall perhaps be moved, as usual; but if he flows like a rivulet, from the fountain-head of your accusation, I shall rejoice that in a charge so powerfully supported, there can only one senator be found, who is willing to oblige you. Neither am I afraid of that other tribe of night witnesses: for the accusers say they can produce citizens to prove that Coelius meddled with their wives, as they were returning from supper. They must be persons of great wisdom, who dare swear to such a fact as this; since they must confess, that they did not so much as propose a reference for the redress of so great injuries.

SECT. IX. But, my lords, you now understand the whole nature of this attack; and when it is made, it will be incumbent upon you to repulse it. Those who accuse M. Coelius, are not the persons that attack him: the darts are thrown at him publicly, but they are furnished in private. Nor do I say this with a view to bring an odium upon those to whom it ought to do honour: they do their duty: they defend their friends: they act

NOTES.

here means Clodia, who lived upon the Palatine hill. He humorously calls her Medea, because Atratinus, as we read in Fortunatianus, called Coelius the beautiful Jason.

(18) *Sin autem, ut rivulus, arcessitus, et ductus ab ipso capite accusationis vestrae.]* Cicero alludes here to Clodia,

whom, by a beautiful metaphor, he calls *caput accusationis*, the spring-head of the accusation.

(14) *Ne congressu quidem et constituto.]* Before a suit was commenced, it was usual for the parties to endeavour to make up the difference, by means of some common friend or friends.

laesi dolent, irati efferuntur, (15) pugnant laccessiti; sed vestrae sapientiae tamen est, judices, non, si causa justa est viris fortibus oppugnandi M. Coelium, ideo vobis quoque vos causam putare esse justam, alieno dolori potius, quam vestrac fidei consulendi. Quae sit multitudo in foro, quae genera, quae studia, quae varietas hominum, videtis; ex hac copia, quam multos esse arbitramini, qui hominibus potentibus, gratiosis, disertis, cum aliquid eos velle arbitrentur, ultrò se offerre soleant, operam navare, testimonium polliceri? Hoc ex genere si qui se in hoc judicium forte projecerint, excluditote eorum cupiditatem, judices, sapientiam vestram: ut eodem tempore et hujus saluti, et religioni vestrac, et contra periculosissimas hominum potentias conditioni omnium civium providisse videamini. Evidem vos abducam à testibus; neque hujus judicii veritatem, quae mutari nullo modo potest, in voluntate testium collocari sinam; quae facilimè effungi, nullo negotio flecti, ac detorqueri potest; argumentis agemus; signis omni luce clarioribus crimina refellemus; res cum re, causa cum causa, ratio cum ratione pugnabit.

X. Itaque illam partem causae facile patior graviter et ornata à M. Crasso peroratam, de seditionibus Neapolitanis, de Alexandrinorum pulsatione Puteolana, de bonis Pallae; vellem dictum esset ab eodem (16) etiam de Dione: de quo ipso tamen quid est, quod exspectetis, quod is qui fecit, aut non timet, aut etiam fateatur? Etenim reus, qui dictus est et adjutor fuisse et conscientius, P. Ascitus, is judicio est liberatus. Quod igitur est hujusmodi crimen, ut, qui commisit, non neget; qui negavit, absolutus sit; id hic pertimescat, qui non modò à facto, verum etiam à conscientiae suspicione abfuit? et, si Ascitus causa plus profuit quam nocuit invidia, huic oberit tuum maledictum, qui istius facti non modò suspicione, sed ne infamiam quidem est adspersus? At prævaricatione est Ascitus liberatus. Perfacile est isti loco respondere, mihi praesertim, à quo illa causa defensa est. Sed Coelius optimam causam Ascitii esse arbitratur: cuiusmodi autem sit, à sua pufat esse sejunctam: neque solùm Coelius, sed etiam adolescentes humanissimi et doctissimi, rectissimis studiis atque optimis artibus praediti, Titus Caiusque Coponii: qui ex omnibus maximè Dionis mortem doluerunt: qui cum doctrinae studio

NOTES.

(15) *Pugnant laccessiti.*] This probably refers to Atratinus, who was glad to have an opportunity of accusing Coelius, in revenge for his having impeached Atratinus the father.

(16) *Etiam de Dione.*] Dio was the chief of the Alexandrian embassy, and was assassinated by Ascitus, for which however he was acquitted.

as men of spirit generally do : being injured, they complain ; being provoked, they are in a passion ; and, being attacked, they fight. But though these brave men may have good reason for attacking M. Coelius, yet your wisdom, my lords, is concerned, not to think that you have therefore any reason to pay greater regard to their resentment than to your own honour. You see what numbers crowd the forum, and how different their views and dispositions are. Of all this multitude, how many do you imagine there are, who, when they think that men of credit, power, and eloquence, have any thing to do, offer themselves, press their services, and promise their evidence ? Should any of such a character thrust themselves into this trial, let your wisdom, my lords, check their forwardness, that you may seem at once to have consulted the safety of Coelius, your own honour, and the interest of all our citizens, against the dangerous influence of power. I will indeed draw you off from testimonies, nor will I suffer the immutable justice of this cause to depend upon the depositions of witnesses which may be fashioned and influenced with the utmost ease. We shall deal in arguments, and shall refute their accusation with proofs clearer than the day ; fact shall be opposed to fact, cause to cause, and argument to argument.

SECT. X. I am glad, therefore, that M. Crassus defended that part of his cause which relates to the seditions at Naples, the beating of the Alexandrian deputies at Puteoli, and the goods of Pallas, with so much force and eloquence. I wish he had likewise spoken to the affair of Dion. Though in regard to that, what is there that could be to your purpose, which he who committed the fact, is either afraid of, or denies ? For P. Ascitius, who is accused of having been privy to the design, and to have assisted in it, was acquitted. When a crime, therefore, is of such a nature that he who committed it does not deny it, and he who does (not) deny it is acquitted, should that person be afraid of being condemned for it, who not only did not commit it, but who was not even suspected of having had any knowledge of it ? And if that prosecution did more service to Ascitius, than the hatred of his prosecutors did him harm, shall this scandal hurt the man, on whom neither the suspicion nor the infamy of such an action ever fell ? But it was owing to collusion, it will be said, that Ascitius was acquitted. This objection is very easily answered, especially by me, who defended that cause. But Coelius thinks the cause of Ascitius a very good one ; nevertheless, of what kind soever it is, he is of opinion that it is very different from his own : nor does Coelius only think so, but the Coponii, Titus, and Caius, young men of the greatest politeness and learning, of the most honourable intentions, and best accomplishments, who, of all others, lamented the death of Dion most, be-

atque humanitatis, tum etiam hospitio Dionis tenebantur; habitabat is apud L. Lucceum, ut audistis: fuerat ei cognitus Alexandriae: Quid aut hic, aut summo splendore praeditus frater ejus, de M. Coelio existimet, ex ipsis, si producti erunt, audietis. Ergo haec removeantur, ut aliquando, in quibus causa nititur, ad ea veniamus.

XI. Animadverti enim, judices, audiri à vobis meum familiarem L. Herennium perattentè; in quo etsi magna ex parte ingenuo ejus, et dicendi genere quodam tenebamini, tamen nonnunquam verebar ne illa subtiliter ad criminandum inducta oratio ad animos vestros sensim ac leniter accederet; dixit enim multa de luxuria, multa de libidine, multa de vitiis juventutis, multa de moribus: et qui in reliqua vita mitis esset, et in hac suavitate humanitatis, qua prope jam delectantur homines, versari perjucundè soleret, (17) fuit in hac causa pertristis quidam patruus, censor, magister; objurgavit M. Coelium, sicut neminem unquam parens: multa de incontinentia, intemperantiaque disseruit. Quid quacritis, judices? ignoscetebam vobis attentè audientibus, propterea quòd egomet tam triste illud et tam asperum genus orationis horrebat. Ac prima pars fuit illa, quae me minùs movebat, fuisse meo necessario Bestiae Coelium familiarem, coenâsse apud eum, ventitâsse domum, studuisse praeturae. Non me haec movent, quae perspicuè falsa sunt; etenim eos unâ coenâsse dicit, qui aut absunt, aut quibus necesse est idem dicere. Neque verò illud me commovet, (18) quòd sibi in Lupercis sodalem esse Coelium dixit. Fera quaedam sodalitas, et planè pastoritia atque agrestis germanorum Lupercorum: quorum coitio illa sylvestris antè est instituta, quam humanitas, atque leges; siquidem non modò nomina deferrunt inter se sodales, sed etiam commemorant sodalitatem in accusando, (19) ut ne quis, si id forte nesciat, timere videatur. Sed haec omittam: ad illa, quae me magis moverunt, respondebo. Deliciarum objurgatio fuit longa, et ea lenior: plusque disputationis habuit, quam atrocitatis; quo etiam audita est attentiùs. Nam P. Clodius amicus meus, cùm se gravissimè vehementissimè

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(17) *Fuit in hac causa pertristis quidam patruus.*] *Patruus* here signifies a severe censor, like a morose guardian uncle. In this sense it is made use of by Horace, Sat. 3. Book 2.

— *sive ego prave,
Seu recte, hoc volui: ne sis patruus mihi.*

(18) *Quod sibi in Lupercis sodalem esse Coelium dixit.*] The Lupercalia was a festival instituted in honour of Pan. Valerius Maximus pretends that it was no older than the foundation of Rome; but Livy and Plutarch are positive that it

was brought out of Greece by Evander. It was celebrated on the fifteenth of February, chiefly in the villages, with very ridiculous ceremonies.

(19) *Ut ne quis, si id forte nesciat, timere videatur.*] It is difficult to ascertain the meaning of this passage, which is differently understood by commentators. The words in the original in some editions are, *si quis id forte nesciat timere videatur*: Abramius prefers the following reading to all others, *ut ne quis id forte nesciat timere videantur*; and the sense of the passage, according to him, is,—They

ing delighted both with his hospitality, and his learning and politeness. Dion, as you have heard, lived with L. Lucceius, to whom he was known at Alexandria. What his sentiments are concerning M. Coelius, or those of his brother, a man of the greatest eminence, you may hear from themselves, if they are brought into court. Let these things therefore be set aside, that we may at last come to those on which the cause principally rests.

SECT. XI. I observed, my lords, that you heard my friend L. Herennius very attentively; and though it was his wit, in a great measure, and a certain kind of eloquence that struck you; yet I was sometimes apprehensive lest this insinuating subtle method of accusation should gradually slide into, and take possession of your breasts. For he spoke much upon luxury, much upon lust, much upon the vices, and much upon the manners of youth; and he, who on every other occasion is so very gentle, and has so much of that engaging, humane, and agreeable manner, that charms all mankind, was as rigid in this cause as an old guardian uncle, a censor, or a master; he reproved M. Coelius more severely than ever a father did a son, and enlarged much upon intemperance and incontinency. Do you ask me what I thought of it, my lords? I could not blame you for hearing it so attentively; though so severe and rigid a manner of speaking, I must confess, somewhat shocked myself. The first article of accusation, which did not give me great concern, was, that Coelius was intimate with my friend Bestia; that he supped with him; was frequently at his house, and his friend when he stood for the praetorship. These things, being evidently false, give me no concern: for those whom he gives out to have supped with them, are either absent, or obliged to give the same evidence. Nor does it disturb me, when he says that Coelius was his companion at the Lupercal games: for the true Luperci are a savage, rustic, and truly clownish fraternity, whose meetings in the forests were instituted before laws or politeness took place among men: since they not only accuse each other, but mention the fraternity in their accusations, as if they were afraid lest any one should not discover them to belong to it. But all this I shall pass over, and reply to what gave me more concern. The censure he passed upon the pursuit of pleasure was long, but gentle; and had more declamation in it than severity, so that it was heard the more attentively. As for my friend, P. Clodius, he exerted himself indeed

NOTES.

boast of their being members of the fraternity whom they accuse, as if they were afraid lest any one should not discover them to belong to it.

que jactaret, et omnia inflammatus ageret tristissimis verbis, voce maximâ: tametsi probabam ejus eloquentiam, tamen non pertincescebam; aliquot enim in causis eum videram frustra litigantem. Tibi autem, Balbe, respondebo, primùm precariò, si licet, si fas est, defendi à me eum, qui nullum convivium renuerit, qui unguenta sumpserit, (20) qui Baïas viderit.

XII. Evidem multos et vidi in hac civitate, et audivi, non modò qui primoribus labris gustâssent genus hoc vitae, et extremis, ut dicitur, digitis attigissent; sed qui totam adolescentiam voluptatibus dedit, emersisse aliquando, et se ad frugem bonam, ut dicitur, recepisse, gravesque homines atque illustres fuisse. Datur enim concessu omnium huic aliquis ludus aetati, et ipsa natura profundit adolescentiae cupiditates: quae si ita erumpunt, ut nullius vitam labefactent, nullius domum evertant, faciles et tolerabiles haberi solent. Sed tu mihi videbare ex communi infamia juventutis, aliquam invidiam Coelio velle conflare; itaque omne illud silentium, quod est orationi tributum tuae, fuit ob eam causam, quòd, uno reo proposito, de multorum vitiis cogitabamus. Facile est accusare luxuriem; dies jam me deficiat, si, quae dici in eam sententiam possunt, coner expromere; de corruptelis, de adulteriis, de protervitate, de sumptibus, immensa oratio est: ut tibi reum neminem, sed vitia proponas, res tamen ipsa et copiosè et gravitè accusari potest. Sed vestræ sapientiae est, judices, non abduci ab reo: nec, quos aculeos habeat severitas gravitasque vestra, cùm eos accusator erexerit in rem, in vitia, in mores, in tempora, emittere in hominem, et in reum: cùm is non suo crimen, sed multorum vicio sit in quoddam odium injustum vocatus. Itaque severitati tuae, ut oportet, ita respondere non audeo: erat enim meum deprecari vacationem adolescentiae, veniamque petere: non, inquam, audeo: perfugiis non utor aetatis: concessa omnibus jura dimitto: tantùm peto, ut, si qua est invidia communis hoc tempore aeris alieni, petulantiae, libidinum juventutis, quam video esse magnam, ne huic aliena peccata, ne aetatis ac temporum vitia noceant. Atque ego idem, qui haec postulo, quin criminibus, quae in hunc propriè conferuntur, diligentissimè respondeam, non recuso.

NOTES.

(20) *Qui Baïas viderit.*] Baiae was in Campania, between Puteoli and Misenum. It was frequented at certain seasons of the

year, by people of fashion from all parts of Italy, being famous for springs of warm water, where they used to bathe.

with great vehemence, seemed all on fire, spoke loud, and with great acrimony; but I was under no great apprehensions from what he said, though I was pleased with his eloquence; for I had seen him in other causes wrangling to no purpose. But, with your leave, Balbus, I will answer you first, if I may be allowed, if I may take upon me to defend a man who never refused a banquet of any kind, who deals in perfumes, and who has been at Baiae.

SECT. XII. I have seen and heard of many in this city, who, having not only just tasted this way of life, and, as we say, touched it with their finger ends; but having prostituted the whole of their youth to pleasure, have at last extricated themselves, become, according to the common saying, good husbands, and proved men of worth and eminént. Some diversions are allowed this age by all; and nature herself bestows passions on youth with a lavish hand; which, in their sallies, if they endanger no man's life, demolish no one's house, are looked upon as moderate and tolerable. But from the common vices of youth, you seemed to me to aim at bringing an odium upon Coelius. Accordingly, all the profound silence with which your speech was heard, was owing to this, that our thoughts were led, from a single instance, to the general corruption of the times. But nothing is more easy than to bring a charge against luxury; and night would overtake me, should I attempt to advance whatever may be said on that subject: corruption of manners, adulteries, wantonness, and extravagance, furnish out an ample field for declamation. To attack vice in general, without accusing any person, would be a copious and weighty subject. But your wisdom, my lords, is concerned, not to lose sight of the accused, nor, when the prosecutor has given an edge to your severity and gravity against things, against vices, against immoralities, against the times, to point it against a man, against one who is accused before you, and who is brought under an unjust odium, not for any personal crime, but for the vices of the multitude. I dare not therefore return such an answer to your severity as it deserves; for I meant to intercede for youth, and to plead for some indulgence to their follies: I say, I dare not: I renounce the rights that are allowed to all, I shall not avail myself of the privileges of youth; all I desire is, that, if the contracting of debts, if arrogance, if youthful debaucheries lie at present under a general odium, as I see they do, the vices of others, nor the depravity of the times, may be no prejudice to Coelius. At the same time that I ask this, I am far from refusing to return an exact answer to the personal accusations that are brought against him.

XIII. Sunt autem duo crimina, auri et veneni; in quibus una atque eadem persona versatur. Aurum sumptum à Clodia, venenum quae situm, quod Clodiae daretur, dicitur; omnia sunt alia, non crimina, sed maledicta, jurgii petulantis magis, quam publicae quaestionis; adulter, impudicus, sequester, convicium est, non accusatio; nullum est enim fundamentum horum criminum, nulla sedes; voces sunt contumeliosae, temerè ab irato accusatore, nullo auctore, emissae. Horum duorum criminum video fontem, video auctorem, video certum nomen et caput; auro opus fuit: sumpsit à Clodia, sumpsit sine teste, habuit quamdiu voluit; maximum video signum cujusdam egregiae familiaritatis: necare eandem voluit, quaesivit venenum, solicitavit quos potuit, paravit, locum constituit, attulit; magnum rursus odium video cum crudelissimo discidio extitisse. Res est omnis in hac causa nobis, judices, cum Clodia, muliere non solum nobili, sed etiam notâ, de qua ego nihil dicam, nisi depellendi criminis causâ. Sed intelligis pro tua praestanti prudentia, Cn. Domiti, cum hac sola rem esse nobis: quae si se aurum Coelio commodâsse non dicit, si venenum ab hoc sibi paratum esse non arguit; petulanter facimus, (21) si matremfamilias secus, quam matronarum sanctitas postulat, nominamus: sin, istâ muliere remotâ, nec crimen ullum, nec opes ad oppugnandum Coelium illis relinquuntur, quid est aliud quod nos patroni facere debeamus, nisi ut eos, qui insectantur, repellamus? quod quidem facerem vehementius, nisi intercederent mihi inimicitiae (22) cum istius mulieris viro; fratrem volui dicere: semper hic erro. Nunc agam modicè, nec longius progrediar, quam mea fides, et causa ipsa coget; neque enim muliebres unquam inimicitias mihi gerendas putavi, praeceps cum ea, quam omnes semper amicam omnium potius quam cuiusquam inimicam putaverunt.

XIV. Sed tamen ex ipsa quaeram priùs, utrum me secum severè, et graviter, et prisce agere malit; an remissem, ac leniter, et urbanè; si illo austero more ac modo: aliquis mihi ab inferis excitandus est, ex barbatis illis, non hâc barbulâ quâ ista delectatur, sed illâ horridâ quam in statuis antiquis et imaginibus videamus; qui objurget mulierem, et pro me loquatur, ne ista mihi

NOTES.

(21) *Si matremfamilias secus, quam matronarum sanctitas postulat nominamus.*]

Some critics distinguish between *materfamilias* and *matrona*; but that they were used promiscuously among the Romans, to signify a lady of a chaste reputation, ap-

pears from this, and other places of Cicero's writings.

(22) *Cum istius mulieris viro.*] P. Clodius is here meant; an abandoned debauchee, who, according to Plutarch, was guilty of incest with each of his three sisters.

SECT. XIII. He is charged with two, one concerning gold, another concerning poison; and both relate to the same person. It is said that gold was borrowed of Clodia, and that poison was prepared to give her. Whatever else is advanced, is only scandal, not accusation, and more proper for a scolding bout than a public trial. To call one an adulterer, a debauchee, a pimp, is to scandalize, not to accuse him; there is no ground for such accusations: they are abusive terms, rashly thrown out by an angry prosecutor, without any foundation. As to these two charges, I see the source, I see the author, I see the true cause and principle of them. Coelius wanted gold; he borrowed of Clodia: he borrowed it [without] witnesses, and kept it as long as he pleased; these are clear proofs of a great intimacy. He had a mind to kill Clodia; he looked out for poison; he solicited every person he could; he prepared it; he appointed the place; he brought it. Here again I can perceive great hatred, with a most violent quarrel. In this cause, my lords, we have only to do with Clodia; a woman not only noble, but also well known; concerning whom I shall say nothing but what is necessary for refuting the accusation. But, Cn. Domitius, 'tis easy for one of your great discernment, to see that our business is with her alone: if she says that she lent no gold to Coelius; if she does not accuse him of having prepared poison for her, we are impertinent in mentioning the mother of a family in a manner different from what the honour of matrons requires. But if, setting Clodia aside, our adversaries will have neither an accusation to bring against Coelius, nor any means left of attacking him, what else is incumbent upon us who are his advocates, but to repulse those who attack us? And this indeed I would do with vigour, were it not for the animosity that subsists between me and that lady's husband; I meant to say her brother; I always fall into that mistake. Now I will act gently, lest I exceed the bounds which my duty, and the cause I am defending, prescribe to me; for I have always thought it incumbent upon me, to avoid being on bad terms with the ladies, especially with Clodia, who has always had the character of being rather good-natured to every body, than an enemy to any.

SECT. XIV. But first I will ask herself, whether she would have me deal with her in a severe, solemn, old-fashioned manner, or in a soft, gentle, and courteous one. If in the austere manner, I must summon up from the shades some of those gentlemen with long beards, and not with such a young one as she is fond of, but with a rough one, such as we see in old statues and images, to reprove the lady, and speak in my stead, lest she should happen to be angry with me. Let one of her own family then rise

forte succenseat. Exsistat igitur ex hac ipsa familia aliquis, ac potissimum (23) Caecus ille; minimum enim dolorem capiet, qui istam non videbit; qui profectò si extiterit, sic ageret, et sic loqueretur: Mulier, quid tibi cum Coelio? quid cum homine adolescentulo? quid cum alieno? cur aut tam familiaris huic fuisti, ut aurum commodares; aut tam inimica, ut venenum timeres? non patrem tuum videras? non patruum, non avum, proavum, atavum audieras consules fuisse? non denique modò te Quinti Metelli matrimonium tenuisse sciebas, clarissimi et fortissimi viri, patriaeque amantissimi, qui simul ac pedem limine extulerat, omnes prope cives virtute, gloriâ, dignitate superabat? cui cùm ex amplissimo genere in familiam clarissimam nupsisses, cur tibi Coelius tam conjunctus fuit? cognatus? affinis? viri tui familiaris? nihil horum; quid igitur fuit, nisi quaedam temeritas ac libido? nonne te, si nostrae imagines viriles non commovebant, ne progenies quidem mea, (24) Q. illa Clodia, aemulam domesticæ laudis in gloria muliebri esse admonebat? non virgo illa vestalis Clodia, quae patrem complexa triumphantem, ab inimico tribuno plebis de curru detrahi passa non est? cur te fraterna vitia potius, quam bona paterna, et avita, et usque à nobis cùm in viris, tum etiam in foeminis repetita moverunt? (25) Ideo-ne ego pacem Pyrrhi diremi, ut tu amorum turpissimorum quotidie foedera ferires? (26) ideo aquam adduxi, ut eâ tu incestè uterere? ideo viam munivi, ut eam tu alienis viris comitata celebrares?

XV. Sed quid ego, judices, ita gravem personam induxi, ut et verear, ne se idem Appius repente convertat, et Coelium incipiat accusare illâ suâ gravitate censoriâ? Sed video hoc posterius, atque ita, judices, ut vel severissimis disceptatoribus M. Coelii vi-

NOTES.

(23) *Caecus ille.*] Nothing could set Clodia's infamy in a clearer or stronger point of view, or more powerfully affect the minds of the audience, than the artful manner in which Cicero here contrasts her character with that of her illustrious ancestors. Her family was one of the most considerable in Rome, and the person introduced to expostulate with her was old Appius Claudius, a famous orator and civilian, who lost his sight in the latter part of his life.

(24) *Quinta illa Clodia.*] When Scipio Nasica went to meet the goddess Cybele, who was brought to Rome towards the end of the second Punic war, he was attended by such of the ladies of Rome, as were in the highest veneration for their virtue. Some of the vestals likewise accompanied him, and particularly this *Quinta Clodia*; of whom it is related, that when the vessel, on which the goddess was imported, unfortunately struck

upon a bank of sand near the mouth of the Tiber, and neither the mariners, nor several yoke of oxen, were able to move it, she, pulling it only by her girdle tied to it, easily set it afloat. *Clodia* is said to have been suspected of incontinence; and, it is added, that this miracle was wrought in answer of her prayer to the goddess, to give a testimony of her innocence.

(25) *Ideo-ne ego pacem Pyrrhi diremi.*] When Cyneas was sent by Pyrrhus to the Roman senate with proposals of peace, he found several of the conscript fathers disposed to accept them. Appius, who had for some time retired from all public business, and confined himself wholly to his family, on account of his great age and the loss of his sight, upon hearing the report of what passed in the senate, caused himself to be carried in the arms of his domestics to the senate-house, where, by an animated speech, he so

up, and blind Appius rather than any other; for, as he cannot see her, his grief will be the less. Were he to appear, he would behave thus, and address her in the following manner: Woman! what is thy business with Coelius? what with a boy? what with a stranger? Why was you either so intimate with him as to lend him money, or so much his enemy as to be afraid of being poisoned by him? Hast thou not seen thy father in the consulship? not heard that thy uncle, thy grandfather, thy great-grandfather, and his father were consuls? Art thou ignorant that Q. Metellus was thy husband, a man of the greatest eminence and bravery, and a distinguished patriot, who no sooner appeared in a public character, than he surpassed almost all his countrymen in glory, merit, and dignity? After being married into so illustrious a family, thyself too nobly descended, why was Coelius so intimate with thee? Was he thy relation? thy kinsman? thy husband's intimate? He was none of all these. What then could be the reason, but indiscretion and lust? If the images of the men of our family did not move thee, ought not my daughter Q. Clodia to have excited in thy breast an emulation of her domestic virtues, the chief glory of a woman? Ought not that Clodia, the vestal virgin, who, embracing her father in his triumphal car, would not suffer a tribune of the people, who was his enemy, to tear him from it? Why dost thou imitate the vices of a brother, rather than the virtues of a father, a grandfather, of a whole family from me downward, both males and females? Did I hinder my country from entering into a peace with Pyrrhus, that you might daily enter into engagements of infamous amours? Did I supply the city with water, that you might use it for the purposes of impurity? Did I make a highway, to be frequented by you and your gallants?

SECT. XV. But what's this I am doing, my lords? I have introduced so venerable a character, that I am afraid lest the same Appius should turn against Coelius of a sudden, and accuse him with his censorial gravity. But I shall speak to that by and by; and in such a manner, my lords, that I flatter myself I shall vin-

NOTES.

awakened the Roman spirit in the senators, that without farther debate they unanimously passed a decree, instantly to dismiss the ambassador with this answer: "That the Romans would enter into no treaty with king Pyrrhus, so long as he continued in Italy; but with all their strength would pursue the war against him, though he should vanquish a thousand Lavinius's."

(26) *Ideo aquam adduci, ideo viam mu-*

niv?] The first invention of the Roman aqueducts is attributed to Appius, who brought water into Rome, in the year of the city 441, by a channel of eleven miles in length. He likewise built the famous *Via Appia*, which took its name from him: a considerable part of this extraordinary work still remains, and, though it has lasted above two thousand years, is in most places, for several miles together, as entire as when it was first made.

tam me probaturum esse confidam. Tu vero, mulier, (jam enim ipse tecum nullâ personâ introductâ loquor); si ea quae facis, quae dieis, quae insimulas, quae moliris, quae arguis, probare cogitas; rationem tantae familiaritatis, tantae consuetudinis, tantae conjunctionis reddas atque exponas necesse est. Accusatores quidem libidines, amores, adulteria, Baias, acta, convivia, comedationes, cantus, symphonias, navigia jactant: iidemque significant, nihil se, te invitâ, dicere; quae tu, quoniam mente nescio qua effrenatâ atque praecepiti in forum deferri judiciumque voluisti, aut diluas oportet, et falsa esse doceas, aut nihil neque crimini tuo, neque testimonio credendum esse fateare. Sin autem urbanius me agere mavis, sic agam tecum; removebo illum senem durum, ac pene agrestem: ex hisque tuis sumam aliquem, ac potissimum minimum fratrem tuum, qui est in isto genere urbanissimus, qui te amat plurimum: qui propter nescio quam, credo, timiditatem, et nocturnos quosdam inanes metus, tecum semper pusio cum majore sorore cubitavit; eum putato tecum loqui: Quid tumultuaris, soror? quid insanis? quid clamore exorsa, verbis parvam rem magnam facis? vicinum adolescentulum adspexisti: candor hujus te et proceritas, vultus oculique perpulerunt: saepius videre voluisti: nonnunquam in iisdem hortis visa nobilis mulier: illum filium familias patre parco ac tenaci, habere tuis copiis delectum non potes: calcitrat, respuit, non putat tua dona esse tanti; confer te alio; habes hortos ad Tiberim: ac diligenter eo loco praeparasti, quo omnis juventus natandi causâ venit; hinc licet conditiones quotidie legas: cur huic, qui te spernit, molestia es?

XVI. Redeo nunc ad te, Coeli, vicissim, ac mihi auctoritatem patriam severitatemque suscipio: sed dubito, quem patrem potissimum sumam. (27) Caecilianum-ne aliquem, vehementem atque durum? Nunc enim demum mihi animus ardet, nunc meum circumulatur irâ: aut illum, ô infelix! ô scelestè! Ferrei sunt isti patres. Ego-ne quid dicam? ego-ne quid velim? quae tu omnia tuis foedis factis facis, ut nequidquam velim. Vix ferenda dicere talis pater, Cur te in istam vicinitatem meretriciam contulisti? cur illecebris cognitis non refugisti? cur alienam ullam mulierem nosti? dide ac disjice, per me licebit: si egebis, tibi

NOTES.

(27) *Caecilianum-ne aliquem, vehementem atque durum?*] This Caecilius was a comic poet, most of whose characters were of the grave and morose kind.

dicate the character of M. Coelius, to the satisfaction even of the severest judges. As for you, Clodia, (for now I speak to you myself, without introducing a feigned character); if you think of proving your actings, your words, your accusations, your fictions, your affirmations, there is a necessity for your declaring the cause of this great familiarity, this great friendship, this great intimacy. Our accusers talk loudly of debaucheries, amours, adulteries, the baths, banquets, collations, songs, concerts, and pleasure-boats; while at the same time they give out, that they say nothing without your directions. All this, as your violent and wayward humour has brought you into the forum and before the court, you must either disown and shew to be false, or allow that no credit is due either to your accusation or your testimony. But if you would have me deal more courteously with you, I will do it thus: I will remove that rigid and almost savage old man, and make choice of one of these kinsmen of yours; your youngest brother rather than any other, who is perfectly polite in his way, who is very fond of you, who, from an unaccountable kind of timidity, and being subject, I imagine, to fears in the night-time, has always lain with you, like a little master, as he is, with his eldest sister. Suppose him then to address you thus: Why do you make all this noise and bustle, sister? why are you in this fury? why do you swell such a trifle into a matter of importance by your clamour? You have cast your eyes on a young neighbour; his complexion, his figure, his air, his eyes have charmed you; you have been fond of seeing him often; you have been sometimes in the same gardens with him, a woman of your distinction! with all your riches you cannot engage him, though still under the tuition of a griping stingy father; he spurns, he despairs, he slightes your presents. Betake yourself to some other place: you have gardens nigh the Tiber, and have been at great pains to fit up an apartment near the place where all our youth go to bathe; from thence you may have an opportunity every day of gratifying yourself: why are you so troublesome to one who despises you?

SECT. XVI. I come now to you, Coelius, in your turn, and assume the authority of a father; but I know not what father I shall personate: shall it be one of Caecilius's passionate, rigid fathers?—*Now my soul is all on fire, and my breast swells with passion.*—Or, shall I assume the character of that other? *O wretch! O profligate!* These fathers have hearts of steel.——*What shall I say? what shall I propose?* Your infamous deeds defeat all my purposes. The reproofs of such a father would be almost intolerable. *Why did you go into the neighbourhood of a prostitute? Why, knowing her seducing charms, did you not retire? Why be familiar with another's wife? Squander and dis-*

dolebit : mihi sat est, qui aetatis quod reliquum est oblectem meae. Huic tristi ac decrepito seni responderit Coelius, se nullâ cupiditate, inductum de viâ decessisse. Quid signi? nulli sumptus, nulla jactura, nulla versura. At fuit fama. Quotusquisque istam effugere potest in tam maledica civitate? Vicinum ejus mulieris miraris male audisse, cuius frater germanus sermones iniquorum effugere non potuit? Leni verò et clementi patri, cuiusmodi ille est: *Fores effregit? restituentur: discidit vestem? resarcietur;* Coelii causa est expeditissima. Quid enim esset, in quo se non facilè defenderet? Nihil jam in istam mulierem dico: (28) sed si esset aliqua dissimilis istius, quae se omnibus pervulgaret, quae haberet palam decretum semper aliquem, cuius in hortos, domum, Baias, jure suo libidines omnium commearent; quae etiam aleret adolescentes, et parsimoniam patrum suis sumptibus sustentaret: si vidua liberè, proterva petulanter, dives effusè, libidinosa mere-tricio more viveret; adulterum ego putarem, si quis hanc paullo liberiùs salutasset?

XVII. Dicet aliquis, Haec igitur est tua disciplina? sic tu instituis adolescentes? ob hanc causam tibi hunc puerum parens commendavit et tradidit, ut in amore et voluptatibus adolescentiam suam collocaret; et hanc tu vitam atque haec studia defenderes? Ego, si quis, judices, hoc robore animi, atque hâc indole virtutis ac continentiae fuit, ut respueret omnes voluptates, omnemque vitae suae cursum in labore corporis, atque in animi contentione conficeret; quem non quies, non remissio, non aequalium studia, non ludi, non convivia delectarent; nihil in vita expetendum putaret, nisi quod esset cum laude et cum dignitate conjunctum; hunc mēā sententiā divinis quibusdam bonis instructum atque ornatum puto. Ex hoc genere illos fuisse arbitror (29) Camillos, Fabricios, Curios, omnesque eos qui haec ex minimis tanta fecerunt. Verūm haec genera virtutum non solum in moribus nostris, sed vix jam in libris reperiuntur: chartae

NOTES.

(28) *Sed si esset aliqua dissimilis istius.*] Cicero, in this passage, while he affects to introduce another character, paints that of Clodia in the strongest colours.

(29) *Camillos, Fabricios, Curios.*] Camillus was a captain of great valour and capacity. He was maliciously accused of having taken to his own use some part of the spoil of the city Veii, and, to avoid the disgrace of a condemnation, banished himself. Not long after, when Rome was burnt by the Gauls, and the Capitol invested, this generous Roman, more afflicted at the calamities of his country than at his own banishment, came to her assistance while she was treating about a peace, broke off the treaty, and so totally vanquished and destroyed the enemy,

that not a man was left to carry home the news of their disaster.—Fabricius was one of the three ambassadors sent by the Romans to treat with Pyrrhus, about a release of prisoners; he was a man of distinguished virtue, a brave and able warrior, and extremely poor.—Curius was remarkable for living in a voluntary poverty: he triumphed over the Samnites, and in the distribution of their lands among those Romans who had none of their own, allotted to each man no more than seven acres, and accepted no more himself, though a much larger portion was offered him. He said, that to preserve the Roman frugality, it were to be wished that no man had more land than was necessary for his subsistence.

sipate your fortune ; you may for me ; if you are reduced to want, 'tis yourself must suffer ; as for me, I have enough to render the short remainder of my life comfortable. To this severe and decrepid old man Coelius might answer, that he had not deviated from the path of his duty through any irregular passion. But how does this appear ? Why, I was not extravagant in my expences, I sustained no losses, contracted no debts. But it was reported that you had. Who can guard against reports in a city so much addicted to scandal ? Are you surprised that a neighbour of this lady had his reputation attacked, when her own brother could not escape the lash of malicious tongues ? But before a mild and indulgent father, who should talk in the following manner : *Has he broke open doors ? let them be repaired : has he torn a garment ? let it be mended :* the cause of Coelius may very easily be defended. For what article is there, upon which he might not easily vindicate himself ? I say nothing now against that lady : but should there be one of a different character from hers, who should prostitute herself to all ; who should always have some one or other to bestow her favours upon, and that publicly ; whose houses, gardens, baths, should be thrown open for the purposes of promiscuous lewdness : nay, who should maintain young men, and employ her money in making amends for the scanty allowances of griping fathers : if such a lady should live licentiously in her widowhood, shew the lewdness of her disposition by the wantonness of her behaviour, use her riches for the purposes of extravagance, and if her lust should lead her to prostitution, can that man be thought an adulterer, who shall be pretty free in his addresses to her ?

SECT. XVII. But some person will be ready to say, What ! are these then your instructions ? Is it thus you educate youth ? Was it for this that Coelius was recommended to you when a boy, and delivered up to your care by his father, that he might spend his younger years in amours and pleasures ? Are you become an advocate for such pursuits, and for such a course of life ? If there is a person, my lords, of such firmness of mind, of such a bias to virtue and temperance, as to reject all pleasures, and make his whole life one continued scene of bodily toils and mental efforts ; one for whom neither repose, nor amusement, nor the pursuits of his equals, nor diversions, nor banquetings, have any charms ; who thinks nothing desirable in life but what is glorious and honourable ; he is, in my opinion, furnished and adorned with qualities more than human. Such, I apprehend, were the Camilli, the Fabricii, the Curi, and all those who have raised this empire to such a height of grandeur from so small a beginning. But such exalted virtues are not to be found in the manners of the present

quoque, quae illam pristinam severitatem continebant, obsoleverunt: neque solum apud nos, qui hanc sectam rationemque vitae, re magis quam verbis secuti sumus; sed etiam apud Graecos, doctissimos homines; quibus, cum facere non possent, loqui tamen et scribere honeste et magnificè licebat. Alia quaedam, mutatis Graeciae temporibus, pracepta extiterunt. Itaque (30) alii voluptatis causâ omnia sapientes facere dixerunt: neque ab hac orationis turpitudine erudit homines refugerunt; alii cum voluptate dignitatem conjungendam putaverunt, ut res maximè inter se repugnantes dicendi facultate conjungerent. Illud unum ad laudem cum labore directum iter qui probaverunt, prope jam soli in scholis sunt relict: multa enim nobis blandimenta natura ipsa genuit, quibus sopita virtus conniveret: et interdum multas vias adolescentiae lubricas ostendit, quibus illa insistere, aut ingredi sine casu aliquo aut prolapsione vix posset: et multarum rerum jucundissimarum varietatem dedit, quâ non modò haec aetas, sed etiam jam corroborata caperetur. Quamobrem siquem forte inveneritis, qui aspernetur oculis pulchritudinem rerum, non odore ullo, non tactu, non sapore capiatur, excludat auribus omnem suavitatem; huic homini ego fortasse et pauci deos propitios, plerique autem iratos putabunt.

XVIII. Ergo haec deserta via, et inculta, atque interclusa jam frondibus et virgultis relinquatur: detur aliquid aetati: sit adolescentia liberior: non omnia voluptatibus denegentur: non semper supereret vera illa et directa ratio: vincat aliquando cupiditas voluptasque rationem; dummodo illa in hoc genere praescriptio, moderatioque teneatur: parcat juventus pudicitiae suae, ne spoliet alienam: ne effundat patrimonium, ne foenore trucidetur, ne incurrat in alterius domum atque famam: ne probrum castis, labem integris, infamiam bonis inferat: ne quem vi terreat: ne intersit insidiis: scelere caret: (31) postremò, cum paruerit voluptatibus, dederit aliquid temporis ad ludum aetatis, atque ad inanes hasce

NOTES.

(30) *Alii voluptatis causa omnia sapientes facere dixerunt.*] The Epicureans are here meant, to whose doctrine Cicero was a declared enemy, looking upon it as pernicious to society, and destructive of morality.

(31) *Postremò cum paruerit voluptatibus.*] As Cicero may appear to some to be an advocate for libertinism in this oration, and to plead for too much indulgence to the vices and follies of youth, it ought to be considered that his orations are not always the proper vouchers of his opinions, being mostly of the judicial kind, or the pleadings of an advocate, whose business it was to make the best

of his cause, and to deliver, not so much what was true, as what was useful to his client; the patronage of truth belonging in such cases to the judge, and not to the pleader. It would be absurd therefore to require a scrupulous veracity, or strict declaration of his sentiments in them; the thing does not admit of it, and he himself forbids us to expect it. In his oration for Cluentius, he freely declares the true nature of all his judicial pleadings. "That man," says he, "is much mistaken, who thinks, that in those judicial pleadings, he has an authentic specimen of our opinions; they are the speeches of the causes and the times, not of the men or the

times, nay scarce indeed in their writings. The very books that contained this ancient severity, are become antiquated, not only among us who have followed this manner of life more by our actions than by our words, but likewise among the Greeks, that very learned nation; who, when they could not practise such rigid virtue, were still at liberty to praise it highly both in speaking and writing. Since this change in Greece, a different set of philosophers has arisen. Some of them maintain, that the wise do every thing for the sake of pleasure; and even their learned men talk in this shameful manner. Others have thought that honour is to be joined with pleasure, that by their eloquence they might unite things so very opposite in their natures. Those who affirm that labour is the only path that leads to glory, are almost left alone within their schools. For nature herself has furnished us with many allurements which overpower virtue, and lull her asleep; she points out from time to time many slippery paths to youth, in which they can neither stand nor walk, but they are in danger of falling, or making some false step; and such is the variety of delightful objects wherewith she presents us, that not only the early part, but the most robust and confirmed period of life, is liable to be seduced by it. If you happen then to find one whose eye despises beauty, to whom the richest odours can give no delight, who is indifferent to the most exquisite pleasures his sense of feeling renders him capable of, whose palate refuses to be gratified, and whose ears are deaf to harmony; I, perhaps, and a few others, may think that the gods have been favourable to such a person, but the generality will think they have been cruel to him.

SECT. XVIII. Let us quit then this unfrequented and rugged path, which is now covered with briars and bushes; let some allowances be made to youth: let more liberty be granted it; let pleasure be sometimes indulged; let not pure and unbiassed reason always prevail; let passion and pleasure sometimes obtain the victory, provided they be kept within the bounds of moderation; let the young man be tender of his own chastity, and not violate that of another; let him not squander his fortune, nor ruin himself by mortgages, nor attack the house nor the reputation of another; let him bring no stain upon the chaste, no reproach upon the uncorrupted, no dishonour upon the worthy; let him terrify none by open force, nor hurt them by secret contrivances; let him be free from crimes; and after having indulged in pleasure, and spent some part of his time in the diversions and trifling pursuits

NOTES.

" advocates; if the causes could speak for
" themselves, nobody would employ an
" orator; but we are employed to speak,

" not what we would undertake to affirm
" upon our authority, but what is suggest-
" ed by the cause and the thing itself."

adolescentiae cupiditates: revocet se aliquando ad curam rei domesticae, rei forensis, reipublicae: ut ea, quae ratione antea non perspexerat, satietate abjecisse, experiendo contemptuisse videatur. Ac multi et nostrâ, et patrum majorumque memoriâ, judices, summi homines, et clarissimi cives fuerunt, quorum, cum adolescentiae cupiditates deferbuissent, eximiae virtutes, firmatâ jam aetate, exstiterunt: ex quibus neminem mihi necesse est nominare; vosmet vobiscum recordamini; nolo enim cujusquam fortis atque illustris viri, ne minimum quidem erratum cum maxima laude conjungere; quod si facere vellem, multi à me summi atque ornatissimi viri praedicarentur, quorum partim nimia libertas in adolescentia, partim profusa luxuries, magnitudo aeris alieni, sumptus libidines nominarentur: quae multis postea virtutibus obiecta, adolescentiae, qui vellet, excusatione defenderet.

XIX. At verò in M. Coelio (dicam enim jam confidentius de studiis ejus honestis, quoniam audeo quaedam fretus vestrâ sapientiâ libere confiteri) nulla luxuries reperietur, nulli sumptus, nullum aes alienum, nulla conviviorum ac lustrorum libido; quod quidem vitium ventris et gutturis non modò non minuit actas hominibus, sed etiam auget. Amores autem, et hae deliciae quae vocantur, quae firmiore animo praeditis diutius molestae non solent esse (maturè enim et celeriter deflorescunt) nunquam hunc occupatum impeditumque tenuerunt. Audistis, cum pro se dicaret: audistis antea, cum accusaret: defendendi haec causâ, non gloriandi loquor: genus orationis, facultatem, copiam sententiarum atque verborum, quae vestra prudentia est, perspexistis. Atque in eo non solùm ingenium elucere ejus videbatis; quod saepe, etiamsi industriâ non alitur, valet tamen ipsum suis viribus: sed iñerat (nisi me propter benevolentiam fortè fallebat) ratio et bonis artibus instituta, et curâ et vigiliis elaborata. Atque scitote, judices, eas cupiditates quae objiciuntur Cœlio, atque haec studia de quibus dispuo, (32) non facilè in eodem homine esse posse: fieri enim non potest, ut animus libidini deditus, amore, desiderio, cupiditate, saepe nimia copiâ, inopiâ, etiam nonnunquam impeditus, hoc, quidquid est, quod nos facimus in dicendo, non modò agendo, verùm etiam cogitando, possit sustinere. An vos aliam causam esse ullam putatis, cur, in tantis præciis eloquen-

NOTES.

(32) *Non facile in eodem homine esse posse.*] What is here advanced must be looked upon not as the orator's real sentiments, but as something specious thrown out in order to make the best of his cause. Had it been necessary, Cicero could easi-

ly have produced a variety of characters wherein gallantry and application to study and business were united: and indeed a moderate acquaintance with the world will shew that there is in fact no inconsistence between them.

of youth, let him at last recal his thoughts to his private concerns, to those of the forum, and to those of the state, that what he had not before viewed with the eye of reason, he may seem to have rejected through satiety, and to have slighted from experience. And indeed there have been many great and eminent men, my lords, in our own days, and in the days of our fathers and forefathers, who, after the heat of youthful passion has abated, have, in the maturity of age, displayed the most sublime and illustrious virtues. It is needless for me to name any of them, you yourselves can recollect them; for I will not blend even the slightest failing of any brave and illustrious man with his greatest praise. Were I disposed to do it, I could mention many great and celebrated persons, some of whom, however, were, in the early part of life, very licentious, others profusely luxurious, some involved in debt, others extravagant and debauched: but these miscarriages, being covered afterwards by many virtues, might be defended by any one, by pleading their youth.

SECT. XIX. As to M. Coelius (for, now that, relying on your wisdom, I have readily acknowledged some of his indiscretions, I will speak with more boldness of his virtuous pursuits), it will be found that he has never been luxurious, never extravagant, never in debt, never passionately fond of voluptuous banquetings, or places of bad fame. For lust and intemperance are so far from being diminished, that they are increased by age. But as to amours, and what we call gallantry, which generally do not long disturb those who are endued with any firmness of mind (for they soon decay), these never fettered, never engrossed him. You heard him when he pleaded his own cause; you heard him before, when he accused Palla: I say this to defend him, and not to boast of him. You observed, such is your discernment, his manner of pleading, his great readiness, and the richness of his sentiments and language. You saw in him, not only the brightness of genius, which is often powerful of itself without the aids of industry; but, if my friendship for him does not bias me, there likewise appeared in what he said, a great deal of judgment and understanding, such as shewed both an acquaintance with the liberal arts and sciences, and great diligence and application. And know, my lords, that it is scarce possible for such passions as Coelius is charged with, and the studies I speak of, to be united in the same person. For it is impossible that a mind abandoned to lewdness, enslaved by amours, by desire, by passion, often embarrassed by too great abundance, and sometimes by want, can either exert that activity, or bestow that intenseness of thought, that is necessary to perform what we do in eloquence, how little soever it may be. Can any other reason be assigned, do you imagine, why the number of those who apply to

tiae, tantâ voluptate dicendi, tantâ laude, tantâ gloriâ, tanto honore, tam sint pauci, semperque fuerint, qui in hoc labore versentur? Omittendae sunt omnes voluptates: relinquenda studia delectationis; ludus, jocus, convivium, sermo etiam pene omnium familiarium deserendus; quae res in hoc genere homines à labore, studioque dicendi deterret; non quò aut ingenia deficiant, aut doctrina puerilis. An hic, si sese isti vitae dedisset, consularem hominem admodum adolescens in judicium vocavisset? hic, si labore fugeret, si obstrictus voluptatibus teneretur, in hac acie quotidie versaretur? appeteret inimicitias? in judicium vocaret? subiret periculum capitisi? ipso inspectante populo Romano, tot menses aut de salute, aut de gloria dimicaret?

XX. Nihil igitur illa vicinitas redolet? nihil hominum fama? nihil Baiae denique ipsae loquuntur? Illae verò non loquuntur solùm, verùm etiam personant, huc unius mulieris libidinem esse prolapsam, ut ea non modò solitudinem, ac tenebras, atque haec flagitiorum integumenta non quaerat, sed in turpissimis rebus frequentissimâ celebritate et clarissimâ luce lactetur. Verùm si quis est, (33) qui etiam meretriciis amoribus interdictum juventuti putet, est ille quidem valdè severus; negare non possum; sed abhorret non modò ab hujus seculi licentia, verùm etiam à majorum consuetudine, atque concessis; quando enim hoc non factum est? quando reprehensum? quando non permisum? quando denique fuit, ut, quod licet, non liceret? Hic ego jam rem definiam: mulierem nullam nominabo; tantùm in medio relinquam. Siquae non nupta mulier domum suam patefecerit omnium cupiditati, palamque sese in meretricia vita collocârit, virorum alienissimorum conviviis uti instituerit: si hoc in urbe, si in hortis, si in Baiarum illa celebritate faciet: si denique ita sese geret, non incessu solùm, sed ornatu atque comitatu; non flagrantia oculorum, non libertate sermonis, sed etiam complexu, osculatione, aquis, navigatione, conviviis, ut non solùm meretrix, sed etiam procax videatur; cùm hac si quis adolescens fortè fuerit, utrum hic tibi, L. Herenni, adulter, an amator; expugnare pudicitiam,

NOTES.

(33) *Qui etiam meretriciis amoribus interdictum juventuti putet.*] This passage is often quoted by the libertine with abundance of triumph and satisfaction, as giving a kind of sanction to his debaucheries. But there is no great reason for triumph: Cicero the orator, and Cicero the philosopher, speak often very different language; and whenever this is the case, surely the sentiments of the latter are to be preferred to those of the former. He

is here pleading the cause of Coelius, whom he knew to be a libertine; and a great part of what he advances must be looked upon as mere declamation, so that no great stress is to be laid upon it: in his *Offices*, and his other philosophical writings, he talks in a very different strain, as all know who have read them with any degree of attention. The debauchee, therefore, if he would have Cicero for his advocate, must take Cicero

this study, is at present, and always has been so small, though its rewards, its pleasures, its glory, its honour is so very great? All pleasures must be relinquished; delightful pursuits thrown up; diversions, mirth, banqueting, nay almost the conversation of our intimate friends, must be renounced: this is what discourages men from the laborious study of eloquence, and not the want of genius or education. If Coelius had followed such a course of life, would he have impeached a person of consular dignity, when so very young? If he were averse to labour, if he were held fast in the chains of pleasure, would he appear every day in this field of battle? would he be fond of enmity? would he arraign any person? would he expose his life to danger? would he contend for so many months, before the whole people of Rome, either for glory or preservation?

SECT. XX. But does the neighbourhood of Clodia send forth no odours? is the public voice silent? do not the waters of Baiae speak? They not only speak, but they bawl out, that the lewdness of one woman is such, that she does not only not look for solitude and darkness, and the like covers for crimes, but takes pleasure in practising the most infamous debaucheries before crowds, and in the face of day. But if any person thinks that free intercourse, even with prostitutes, is to be denied to youth, such a one is severe indeed: I cannot contradict him: this, however, I must say, that he differs not only from the freedom of the present age, but likewise from what our forefathers practised and allowed. For was there ever a time when it was not done? when it was condemned? when it was not tolerated? In a word, was there ever a time in which a thing allowable was not allowed? I will here propose a question; I shall name no lady, but leave every one to judge for himself: If an unmarried woman should throw her house open to the lusts of all, profess herself openly to be a prostitute, go frequently to entertainments with mere strangers; if she should do this in the city, in her gardens, and at the Baiae, a place of such resort; in a word, if she should shew herself, not only by her gait, but by her dress and train, not by the sparkling of her eyes and her indecent conversation, but likewise by her kisses, by her embraces, by her behaviour at the baths, in pleasure-boats, and at entertainments, to be not only a prostitute, but an impudent one; if a young gentleman should happen to be seen with such a lady, whether, Herennius, would you look upon

NOTES.

for his guide, must renounce the pernicious path of vice and folly, exchange the gratifications of a brute for the pleasures

of a man; in a word, he must make virtue his choice, and then happiness will certainly be his portion.

an explere libidinem voluisse videatur? (34) Obliviscor jam injurias, Clodia: depono memoriam doloris mei: quae abs te crudeliter in meos, me absentē, facta sunt, negligo: ne sint haec in te dicta, quae dixi; sed ex te ipsa requiro; quoniam et crimen accusatores abs te, et testem ejus criminis te ipsam dicunt se habere; siqua mulier sit hujusmodi, qualem ego paulò antè descripsi, tui dissimilis, vita institutoque meretricio, cum hac aliquid adolescentem hominem habuisse rationis, num tibi perturpe, aut perflagitiosum esse videatur? Ea si tu non es, sicut ego malo, quid est quod objiciant Coelio? sin eam te volunt esse, quid est, cur nos crimen hoc, si tu contemnis, pertimescamus? Quare, nobis da viam rationemque defensionis; nam aut pudor tuus defendet, nihil à M. Coelio petulantius esse factum; aut impudentia et huic, et caeteris magnam ad se defendantem facultatem dabit.

XXI. Sed quoniam emersisse jam è vadis, et scopulos praetervecta videtur oratio mēa, perfacilis mihi reliquus cursus ostenditur. Duo sunt enim crimina una in muliere summorum facinorum: auri, quod sumptum à Clodia dicitur: et veneni, quod ejusdem Clodiae necandae causâ parâsse Coelium criminantur. Aurum sumpsit; ut dicitis, quod L. Lucceii servis daret, per quos Alexandrinus Dīo, qui tum apud Lucceium habitabat, necaretur. Magnum crimen vel in legatis insidiandis, vel in servis ad hospitem domini necandum solicitandis: plenum sceleris consilium, plenum audaciae. Quō quidem in criminе primum illud requiram, dixerit-ne Clodiae, quam ad rem aurum tum sumerit, an non dixerit? si non dixit, cur dedit? si dixit, eodem se conscientiae scelere devinxit. Tu-ne aurum ex armario tuo promere ausa es? tu-ne (35) Venerem illam tuam spoliaticem spoliare ornamentis? Caeterū, cùm scires quantum ad facinus aurum hoc quaereretur, ad necem scilicet legati, ad L. Lucceii, sanctissimi hominis atque integrissimi, labem sceleris sempiterni; huic facinori tanto tua mens liberalis conscientia, tua domus popularis ministra, tua denique hospitalis illa Venus adjutrix esse non debuit. Vidit hoc Balbus: [facinoris tantum] celatam esse Clodium dixit, atque ita Coelium ad illam attulisse, se ad ornatum ludorum aurum quaerere. Si tam familiaris erat Clodiae, quām tu esse vis, cùm de libidine ejus tam multa dicis; dixit profectò, quo vellet aurum: si tam familiaris non erat, non dedit. Ita, si verum tibi Coelius dixit, ô

NOTES.

(34) *Obliviscor jam injurias, Clodia.*] Cicero here refers to the injurious treatment he met with from the Clodian family, when he went into banishment; for an account of which, see his oration *for his own house*.

(35) *Venerem illam tuam spoliaticem.*]

It appears from several passages of the ancients, that it was usual for prostitutes to have a statue of Venus in their closets, which they generally adorned with jewels: accordingly Clodia is said to have had a very fine one of gold.

him as an adulterer, or a gallant; as one who wanted to attack chastity, or only to gratify his passion? I now forget my wrongs, Clodia; I lay aside the remembrance of what I suffered; I pass over your cruelty to my family in my absence. Let not what I have said be applied to you; but as the prosecutors give out, that you furnished them with this accusation, and that your evidence is to prove the fact, I ask yourself whether, if there is such a woman as I have just now described, of a character indeed very unlike yours, but who is a professed prostitute, you would look upon it to be a very shameful, or a very criminal thing, for a young gentleman to have any intercourse with her? If you are not the woman, as I hope you are not, what is it they can object to Coelius? but if you are, why should we be afraid of an accusation which you despise? Furnish us then with the means of making our defence; for either your chastity will prove that Coelius has done nothing infamous, or your impudence will plead strongly in his favour, and in that of others.

SECT. XXI. But as I seem now to have got clear of the shallows and rocks that stood in my way, an easy course presents itself for the rest of my cause. Coelius is charged with two enormous crimes against the same lady; with having borrowed gold of Clodia, and with having prepared poison to kill her; the money he borrowed, according to you, to be given to slaves of L. Lucceius, by whom he was to murder Dio the Alexandrian, who lived at that time with Lucceius. A weighty charge this, either to lay snares for ambassadors, or to solicit slaves to assassinate their master's guest: a design fraught with guilt, fraught with audaciousness. But here I will ask, in the first place, whether Coelius told Clodia for what purpose he borrowed the money at that time, or whether he did not? If he did not tell her, why did she give it him? If he did, she was equally guilty. Did you dare to take gold out of your cabinet? to strip that plundering Venus of yours of her ornaments? Besides, when you knew for what horrid purposes this money was borrowed; namely, to assassinate an ambassador, to fix an eternal blot on the character of L. Lucceius, a man of the greatest worth and integrity; your generous heart ought never to have been privy, your popular roof subservient, nor that hospitable Venus of yours accessory to so enormous a crime. Balbus was sensible of this; accordingly he says, that Clodia knew nothing of the matter, and that Coelius told her he asked the money to defray the expences of his public sports. If he was so very intimate with Clodia, as you would have us believe, when you enlarge so much upon his debauchery, he certainly told her what he intended to do with the gold; if he was not so intimate, then she did not give it him. If Coelius, then, O abandoned woman! told you the truth, you was conscious

immoderata mulier! sciens tu aurum ad facinus dedisti: si non est ausus dicere, non dedisti.

XXII. Quid ego nunc argumentis huic criminis, quae sunt innumerabilia, resistam? Possum dicere, mores M. Coelii longissimè a tanti sceleris atrocitate esse disjunctos: minimè esse credendum, homini tam ingenioso tamque prudenti non venisse in mentem, rem tanti sceleris ignotis alienisque servis non esse credendam. Possum etiam, illa et caeterorum patronorum et mea consuetudine, ab accusatore perquirere, ubi sit congressus cum servis Luceii Coelius: qui ei fuerit aditus; se per se, qua temeritate! si per alium, per quem? Possum omnes latebras suspicionum peragrare dicendo; non causa, non locus, non facultas, non conscientia, non perficiendi, non occultandi maleficii spes, non ratio ulla, non vestigium maximi facinoris reperietur. Sed haec, quae sunt oratoris propria, quae mihi non propter ingenium meum, sed propter hanc exercitationem usumque dicendi, fructum aliquem ferre potuissent, cum à me ipso laborata proferri viderentur, brevitatis causâ relinquo omnia. Habeo enim, judices, quem vos socium vestrae religionis jurisque jurandi facile esse patiemini, (36) L. Lucceum, sanctissimum hominem, et gravissimum testem: qui tantum facinus in famam atque fortunas suas neque non audisset illatum à Coelio, neque neglexisset, neque tulisset. An ille vir, illâ humanitate praeditus, illis studiis, artibus atque doctrinâ, illius ipsius periculum, quem propter haec ipsa studia diligebat, negligere potuisset? et quod facinus in alienum hominem illatum severè acciperet, id omisisset curare in hospite? quod per ignotos actum cum comperisset, doloreret, id à suis tentatum negligenter? quod in agris, locis-ve publicis factum reprehenderet, id in urbe, ac suae domi coeptum esse leviter ferret? quod in alicujus agrestis periculo non praetermitteret, id homo eruditus in insidiis doctissimi hominis dissimulandum putaret? Sed cur diutius vos, judices, teneo? ipsius jurati religionem, auctoritatemque percipite, atque omnia diligenter testimonii verba cognoscite. (37) Recita testimonium Luceii. TESTIMONIUM LUCEII. Quid exspectatis amplius? an aliquam vocem putatis ipsam pro se cau-

NOTES.

(36) *L. Lucceum, sanctissimum hominem.*] This Luceius was a man of great learning and abilities: he wrote the history of the Italic and Marian civil wars, and undertook that of Cicero's consulship; but whether he finished it or not is uncertain. There is a celebrated letter of

our orator to this Luceius, which is often alleged as a proof of his excessive vanity and love of praise.

(37) *Recita testimonium Luceii.*] Luceius was not present himself at this trial, but sent his evidence, which was publicly read in court.

to the crime, and gave him money to perpetrate it: if he did not dare to tell you, then you did not give it.

SECT. XXII. Why now should I refute this accusation by arguments which may be brought without number? I may say, that the manners of M. Coelius are at the greatest distance from so enormous a crime: it is not at all credible, that a man of such prudence and penetration could ever have thought of entrusting an affair so highly criminal to strange and unknown slaves. I may likewise, according to my own custom, and that of other pleaders, ask the accuser where Coelius met with the slaves of Lucceius? how he had access to them? If by himself, what rashness! if by another, who was the man? I may enumerate every possible ground of suspicion, and still affirm, that there is no foundation for this crime; that Coelius could not be privy to it, could have no opportunity, no means, no hopes of accomplishing, none of concealing it; in a word, that there is not any shadow of proof, any traces of such atrocious guilt. But all these, which properly belong to an orator, as I might seem to have laboured them with great care, I pass over for the sake of brevity; though I might have rendered them serviceable to me, not through any superiority of genius, but by my practice and experience in pleading. For I have, my lords, the testimony of L. Lucceius, a man of the strictest honour, and of the greatest authority, whose oath and integrity you will readily allow to be compared with your own; who must certainly have heard of such an attack made by Coelius upon his fame and fortune, and if he had, would neither have despised, nor put up with it. Would a man of such politeness, of such erudition, of such knowledge, have neglected the danger of one who was so dear to him on account of these very accomplishments? And would he not have endeavoured to prevent such villainy when designed against his guest, which he would have resented so highly if designed against a stranger? Would he have slighted an action attempted by his own domestics, which would have grieved him, if committed by those he did not know? what he would have condemned, if done in the fields, or any public place, would he have been unconcerned at if attempted in the city, and in his own house? Would a man of learning connive at a plot against a man of the greatest learning, when he would not slight the danger of the meanest peasant? But why, my lords, do I detain you any longer? consider the integrity and authority of this witness, on his oath, and weigh carefully every word of his evidence. Read the evidence of Lucceius. THE EVIDENCE OF LUCCEIUS.—What more do you expect? Do you imagine that this cause itself, and that truth can open their mouths, and give evidence for themselves? This is the defence of innocence;

sam et veritatem posse mittere? Haec est innocentiae defensio, haec ipsius causae oratio, haec una vox veritatis: in crimen ipso nulla suspicio est, et in re nihil est argumenti: in negotio, quod actum esse dicitur, nullum vestigium sermonis, loci, temporis: nemo testis, nemo conscientius nominatur; totum crimen profertur ex inimica, ex infami, ex crudeli, ex facinorosa, ex libidinosa domo: domus autem illa, quae tentata scelere isto nefario dicitur, plena est integritatis, officii, religionis: ex qua domo recitatur vobis jurejurando devincta auctoritas: ut res minimè dubitanda in contentione ponatur, utrum temeraria, procax, irata mulier finxisse crimen, an gravis, sapiens, moderatusque vir religiosè testimonium dixisse videatur?

XXIII. Reliquum est igitur crimen de veneno: cuius ego neque principium invenire, neque evolvere exitum possum. Quae fuit enim causa, quamobrem isti mulieri venenum vellet dare Coelius? ne aurum redderet? num petivit? ne crimen haereret? num quis objecit? num quis denique fecisset mentionem, si hic nemini nomen detulisset? Quin etiam Herennium dicere audistis, verbo se molestum non futurum fuisse Coelio, nisi iterum eadem de re suo familiari absoluto nomen hic detulisset. Credibile est igitur, tantum facinus nullam ob causam esse commissum? et vos non videtis fingi sceleris maximi crimen, ut alterius causâ sceleris suscipiendi fuisse videatur? Cui denique commisit? quo adjutore usus est? quo socio? quo conscientio? cui tantum facinus, cui se, cui salutem suam credidit? servis-ne mulieris? sic enim objectum est; et erat tam demens hic, cui vos ingenium certè tribuitis, etiamsi caetera inimicâ oratione detrahitis, ut omnes suas fortunas alienis servis committeret? at quibus servis? refert enim magnoperè id ipsum: his-ne, quos intelligebat non communici conditione servitutis uti, sed licentiūs, liberius, familiariūs cum domina vivere? quis enim hoc non videt, judices? aut quis hoc ignorat, in ejusmodi domo, in qua mater-familias meretricio more vivat, in qua nihil geratur quod foras proferendum sit: in qua lustra, libidines, luxuries, omnia denique inaudita vitia atque flagitia versentur; (38) hic servos non esse servos, quibus omnia committantur, per quos gerantur, qui versentur iisdem in voluptatibus, quibus occulta credantur, ad quos aliquantum etiam ex quotidianis sumptibus ac luxuria redundet? Id igitur Coelius

NOTES.

(38) *Hic servos non esse servos.*] Nothing can be more just and sensible than this reflection of Cicero, that in families where vice and debauchery prevail, servants become masters. Being privy to

whatever is transacted, their masters are entirely in their power; they are afraid of punishing them when they do amiss, and become the objects of their ridicule, of their contempt, and scorn.

this the language of the cause itself; this the native voice of truth. The charge has no presumption, the crime no argument to support it: in the business which is said to have been transacted, there is not the least appearance of consultation, of time, or of place; no witness, no accomplice is named: the whole accusation proceeds from the infamous, the cruel, the wicked, the lewd house of an enemy: but the house, on which so foul an imputation is fixed, is full of honour, humanity, and truth: from this house evidence is given upon oath; so that the matter we are now debating admits of very little doubt, only whether it is more likely that a rash, impudent, angry woman should forge an accusation, or that a grave, prudent, and worthy man should have the strictest regard to truth in giving his evidence?

SECT. XXIII. All that remains, therefore, is the charge of poisoning, of which I can neither trace the beginning, nor discover the design. For what could prompt Coelius to attempt poisoning that lady? That he might not return the gold? pray did she ask it? That he might not be charged with it? did any one charge him? would any one even have made mention of it, if Coelius had accused no person? Besides, you heard Herennius say, that he should never have spoke a word against Coelius, if he had not a second time accused his friend of the same crime, after being once acquitted. Is it credible then that so atrocious a crime was committed without any reason? and do not you see that one enormous piece of villainy is pretended to have been committed, that it may seem to have been done in order to commit another? Once more, whom did he employ to execute it? whom did he make use of as his accomplice? whom, as his companion? whom, as his confident? Whom did he trust with such a crime? whom with himself? whom with his own safety? The slaves of this woman? for so it is alleged; and was this the man, whom you allow to have capacity, though you deny him every thing else, guilty of such madness as to trust his all to strange slaves? But to what kind of slaves? for this is a circumstance of great importance: was it to those whom he knew not to be subject to the common lot of slavery, but who lived in a very free and familiar manner with their mistress? For who does not see this, my lords? or, who is ignorant that in a house where the mistress of a family lives like a common prostitute, in which nothing is transacted that can be carried abroad, which is a scene of debauchery, lust, luxury; in a word, every unheard-of scandalous excess; that in such a house, I say, slaves are not slaves; since every thing is committed to them, every thing conducted by them; since they partake of the same pleasures, are intrusted with secrets, and have even some share of the daily expences and luxury? Did not Coelius then perceive

non videbat? si enim tam familiaris erat mulieris, quām vos vultis; istos quoque servos familiares esse dominae sciebat; sin ei tanta consuetudo, quanta à vobis inducitur, non erat, quae cum servis potuit familiaritas esse tanta?

XXIV. Ipsius autem veneni quae ratio fingitur? ubi quaesitum est? quemadmodum paratum? quo pacto? cui, quo in loco traditum? Habuisse aiunt domi, vimque ejus esse expertum in servo quodam ad rem ipsam parato, cujus perceleri interitu esse ab hoc comprobatum venenum. (39) Prō dii immortales! cur interdum in hominum sceleribus maximis, aut connivetis, aut praesentis fraudis poenas in diem reservatis? Vidi enim, vidi, et illum hausi dolorem vel acerbissimum in vita, cùm Q. Metellus abstraheretur è sinu gremioque patriae: cùmque ille vir, qui se natum huic imperio putavit, tertio die postquam in curia, in rostris, in repub. floruisset, integerrimâ aetate, optimo habitu, maximis viribus, eriperetur indignissimè bonis omnibus atque universae civitati; quo quidem tempore ille moriens, cùm jam caeteris ex partibus oppressa mens esset, extremum sensum ad memoriam reip. reservabat: cùm me intuens flentem significabat, interruptis atque morientibus vocibus, quanta impenderet procella urbi, quanta tempestas civitati: et cùm parietem saepe feriens eum, qui cum Q. Catulo fuerat ei communis, crebrò Catulum, saepe me, saepissimè rempublicam nominabat; ut non tam se emori, quām spoliari suo praesidio cùm patriam, tum etiam me doloreret. Quem quidem virum si nulla vis repentina sceleris sustulisset; quonam modo ille furenti fratri suo patrueli consularis restitisset, (40) qui consul incipientem furere atque conantem, suā se manu interfec- turum, audiente senatu, dixerit? Ex hac igitur domo progressa ista mulier de veneni celeritate dicere audebit? nonne ipsam domum metuet, ne quam vocem eliciat? non pariētes consciens, non noctem illam funestam ac luctuosam perhorrescat? Sed revertar

NOTES.

(39) *Pro dii immortales!*] Clodia was commonly thought to have poisoned her husband, Q. Metellus, who was an excellent magistrate, and a firm patriot, as well to revenge his opposition to the attempts of her brother, as to gain the greater liberty of pursuing her own amours. Accordingly Cicero interrupting the thread of his argument, in a manner extremely well adapted to move his hearers, inveighs against her astonishing impudence in daring to accuse Coelius of a design to poison her, when she herself lay under the suspicion of

having poisoned her own husband, on whom, to render her character, if possible, still more odious, the orator bestows very high, and indeed very just commendations.

(40) *Qui consul incipientem furere atque conantem, sua se manu interfec- turum, audiente senatu, dixerit:*] The attempt made by Clodius, in the consulship of Metellus, to obtain the tribunate, that he might be enabled to revenge himself upon Cicero, is here referred to. Clodius was a patrician, and, as such, incapable of the tribunate; accordingly his first

this? for if he was so familiar with the lady as you give out, he could not but know that these slaves were familiar with their mistress; but if there was no such intimacy as you charge him with, how could he be so very intimate with her slaves?

SECT. XXIV. But how is this charge in regard to the poison rendered probable? Where was it got? how was it prepared? by what means? to whom, and where was it delivered? They say he had it at home, and tried its force on a slave whom he got on purpose, and whose sudden death convinced him of its efficacy. Immortal gods! why do you sometimes either wink at the most enormous crimes of mankind, or defer the punishment of present wickedness? For I myself saw, and nothing in my whole life ever affected me with deeper sorrow, I saw Q. Metellus torn from the arms and bosom of his country; saw that man, who thought himself born for this empire, cut off, in the basest manner, from all the virtuous, and from the whole state, in the prime of his days, in perfect health and full vigour, on the third day after he had distinguished himself in the senate, in the rostrum, and in the government. At the time of his death, when every other feeling was extinguished, he reserved his last for his country, and casting his eyes upon me, who was dissolved in tears, intimated, with faltering and dying accents, how great a storm hung over this city, how great a tempest over the state; and frequently striking the wall, which was common to Catulus and him, often named Catulus, often me, and very often the republic; so that death did not give him so much concern as the thoughts that his country and that I was deprived of his assistance. If no sudden violence had cut off this man, in what manner would he, when arrived at consular dignity, have opposed the fury of his cousin, when he declared during his consulship, in the hearing of the senate, that he would kill him with his own hand, though only beginning and attempting his furious measures? Shall a woman, then, from that very house, dare to mention the quick efficacy of poison? shall she not be afraid lest the house itself should open its mouth against her? shall she not tremble at the sight of the conscious walls, not dread the remembrance of that fatal, that mournful night? But I return to the accusation; for the tears I have shed at the men-

NOTES.

step was to make himself a plebeian, by the pretence of an adoption into a plebeian house. When this affair was moved to the senate by Herennius, an obscure, hardy tribune, the case being wholly new, and contrary to all the forms, it met with no encouragement.

The consul Metellus, though brother-in-law to Clodius, warmly opposed it, and declared, "that he would strangle Clodius sooner with his own hands, than suffer him to bring such a disgrace upon his family."

ad crimen; etenim haec facta illius clarissimi ac fortissimi viri mentio et vocem meam fletu debilitavit, et mentem dolore impedivit.

XXV. Sed tamen venenum unde fuerit, quemadmodum paratum sit, non dicitur. Datum esse hoc aiunt P. Licinio, prudenti adolescenti, et bono, Coelii familiari: constitutum factum esse cum servis, ut venirent ad balneas Xenias: eodem Licinium esse venturum, atque iis veneni pyxidem traditurum. Hic primum illud requiro, quid attinuerit illud ferri in eum locum constitutum? cur illi servi non ad Coelium domum venerint? si manebat tanta illa consuetudo Coelii cum Clodia, tantaque familiaritas, quid suspicionis esset, si apud Coelium mulieris servus visus esset? Sin autem jam suberat simultas, extincta erat consuetudo, discidium exstiterat; hinc illae lacrymae nimirum, et haec causa est horum omnium scelerum atque criminum. Immo, inquit, cum servi ad dominam rem istam, et maleficium Coelii detulissent, mulier ingeniosa praeceperit suis, ut omnia Coelio pollicerentur: sed, ut venenum, cum à Licinio traderetur, manifestò comprehendi posset, constitui locum jussit balneas Xenias, ut eò mitteret amicos, qui delitescerent: deinde repente, cum venisset Licinius, ut venenum traderet, prosilirent, hominemque comprehendenderent.

XXVI. Quae quidem omnia, judices, per facilem rationem habent reprehendendi; cur enim balneas publicas potissimum constituerat? in quibus non invenio quae latebra togatis hominibus esse possit; nam si essent in vestibulo balnearium, non latarent: sin se in intimum conjicere vellent, nec satis commodè calceati et vestiti id facere possent, et fortasse non reciperenrunt: nisi forte mulier potens, (48) quadrantariâ illâ permutatione, familiaris facta erat balneatori. Atque equidem vehementer expectabam, quinam isti viri boni, testes hujus manifestò deprehensi veneni dicerentur; nulli enim sunt adhuc nominati; sed non dubito quin sint pergraves, qui primum sint talis foeminae familiares; deinde eam provinciam suscepserint, ut in balneas contruderentur: quod illa nisi à viris honestissimis, ac plenissimis dignitatis, quam velit sit potens, nunquam impetravisset. Sed quid ego de dignitate istorum testium loquor? virtutem eorum diligentiamque cognoscite; in balneis delituerunt; testes egregios! deinde temerè prosiluerunt; homines gravitati deditos! Sic enim fingunt; cum Licinius venisset, pyxidem teneret in manu, cona-

NOTES.

(48) *Quadrantariâ illâ permutatione.*] Plutarch informs us that Clodia was called *Quadrantaria*, from her having been bilked by one of her young gallants, who gave her a *quadrans*, or fourth part of an *as*, instead of a piece of gold. Cicero, by his using the word *illa*, pro-

bably refers to this, as being a well-known story; but he, no doubt, means to insinuate farther, that she was familiar with the *bagno-keeper*, and bestowed her favours upon him, instead of the *quadrans* which he received from every one who used his bath.

tion of that brave and illustrious man have weakened my voice, and my grief has discomposed my mind.

SECT. XXV. It is not said, however, whence this poison came, nor how it was prepared. They allege it was given to P. Licinius, a young man of virtue and modesty, and the friend of Coelius; that an appointment was made with the slaves to come to the Senian bath, whither Licinius was likewise come, and to deliver them a box of poison. Now, here I would first ask, what end could be answered by carrying it to the appointed place? why did not these slaves come to the house of Coelius? If there was still so close a connection, and so great an intimacy betwixt Coelius and Clodia, what suspicion would one of her slaves being seen at his house have occasioned? But if there already subsisted a secret aversion, if the intimacy was dissolved, and a quarrel arisen, this was the ground of all the concern, this the source from whence all this guilt and all these accusations are derived. Nay, but it is said, that when the slaves of Clodia informed her of the matter, and of the wicked designs of Coelius, this shrewd woman ordered them to promise him every thing; and, in order to have clear evidence of the poison when delivered by Licinius, desired the Senian bath to be the place appointed, that she might send some of her friends thither to lie in ambush, and, when Licinius should come and deliver the poison, to rush out suddenly and seize him.

SECT. XXVI. But all this, my lords, may very easily be refuted: for why should she particularly make choice of the public baths, in which I don't see how gentlemen in full dress can possibly be concealed? for, at the entrance of the bath, they must be seen: were they to thrust themselves into the inner part, their shoes and clothes must incommod them; admittance too might have been denied them, unless perhaps that powerful lady procured it by bestowing her favours on the bagnio-keeper, instead of the price of bathing. And indeed I was very impatient to hear the names of these worthy men, who are said to be witnesses of the seizing of this poison; for as yet none of them have been named. I do not question, however, but they are very considerable persons; in the first place, as they are intimate with such a lady, and in the next, as they undertook to conceal themselves in a bath; a favour which no degree of power whatever could have procured her, but from men of the greatest honour and dignity. But why do I mention the dignity of these witnesses? Observe their bravery and address. They concealed themselves in a bagnio. Excellent witnesses! Then they rushed out of a sudden. Grave gentlemen truly! The story is thus told: when Licinius came

retur tradere, nondum tradidisset, tum repente evolasse istos praeclaros testes sine nomine: Licinium autem, cum jam manum ad tradendam pyxidem porrexisset, retraxisse, atque illo repento hominum impetu se in fugam conjecisse. O magna vis veritatis, quae contra hominum ingenia, calliditatem, solertiam, contraque factas omnium insidias, facile se per se ipsam defendat!

XXVII. Verum haec tota fabella veteris et plurimarum fabularum poëtriae, quam est sine argumento! quam nullum invenire exitum potest! Quid enim isti tot viri (nam necesse est fuisse non paucos, ut et comprehendendi Licinius facilè posset, et res multorum oculis esset testator) cur Licinium de manibus amiserunt? qui minus enim Licinius comprehendendi potuit, cum se retraxit, ne pyxidem traderet, quam si non retraxisset? erant enim illi positi, ut comprehendenderent Licinium; ut manifestò Licinius teneretur, aut cum retineret venenum, aut cum tradidisset. Hoc fuit totum consilium mulieris, haec istorum provincia, qui rogati sunt: quos quidem tu quamobrem temerè prosiluisse dicas, atque ante tempus, non reperio. Fuerant hoc rogati: fuerant ad hanc rem collocati, ut venenum, ut insidia, facinus denique ipsum ut manifestò comprehendenderetur. Potuerunt-ne meliori tempore prosilire, quam cum Licinius venisset? cum in manu teneret veneni pyxidem? quae si cum jam erat tradita servis, evasisse subito ex balneis mulieris amici, Liciniumque comprehendissent: imploraret hominum fidem, atque à se illam pyxidem traditam pernegeret: quem quomodo illi reprehenderent? vidisse se dicenter? primùm ad se revocarent maximi facinoris crimen: deinde id se vidisse dicenter, quod, quo loco collocati fuerant, non potuissent videre. Tempore igitur ipso se ostenderunt cum Licinius venisset, pyxidem expediret, manum porrigeret, venenum traderet. (42) Mimi ergo est jam exitus, non fabulae: in quo cum clausula non invenitur, fugit aliquis è manibus, deinde scabella concrepant, aulaeum tollitur.

XXVIII. Quaero enim, cur Licinium titubantem, haesitatem, cedentem, fugere conantem, mulieraria manus ista de manibus emiserit: cur non comprehendenterint? cur non ipsius confessione, multorum oculis, facinoris denique voce, tanti sceleris crimen expresserint? an timebant, ne tot unum, valentes imbe-

NOTES.

(42) *Mimi ergo est jam exitus, non fabulae.*] Diomedes defines the *Mimus* to be an irreverent and lascivious imitation of obscene acts. It seems to have been a confused medley of comic drollery on a variety of subjects, without any consistent order or design; delivered by one actor, and heightened with all the licence of obscure gesticulation. Its best

character, as practised by its greatest master, Laberius, was that of being witty in a very bad way, and its sole end and boast, *risu diducere rictum*. It is with great propriety, therefore, that Cicero compares this incoherent story of the poison, to the *Mimus*, wherein there was no connection or regular design.

with the box in his hand, and endeavoured to give it away, but had not as yet done it, these noble witnesses, without name, rushed out of a sudden; upon this Licinius, who had already stretched out his hand to deliver the box, drew it back, and being frightened at the sudden attack of these gentlemen, betook himself to flight. O the mighty power of truth, which easily defends herself against the contrivances, subtlety, and artifice of mankind, and against all the secret arts of fiction!

SECT. XXVII. But all this fable, which is invented by a lady that has long dealt in fictions, how void of probability is it! how unconnected and intricate! Why did so many men suffer Licinius to escape? for their number could not be small, both that it might be the easier to seize Licinius, and that the matter might be the better attested. Was it more difficult to seize him when he drew back, that he might not deliver the box, than if he had not drawn back? for they were placed there on purpose to seize Licinius, to catch him in the fact, either with the poison about him, or after he had delivered it. This was all the lady proposed; this was the business of those who were employed by her; and why should you say that they rushed out rashly, and too soon, I cannot conceive. This was what they were employed for; with this view they were placed there, that the poison, the plot, in a word, the whole villainy might be clearly discovered. Could they have rushed out more opportunely than when Licinius came in? when he held the box of poison in his hand? For if the lady's friends had sallied forth, and seized Licinius, after it was delivered to the slaves, he would have called out for assistance, and denied that the box was delivered by him. And in this case, how could they have convicted him? would they have said they saw him? Why this, in the first place, must have brought upon themselves an accusation of a very heinous crime; and, in the next, they must have affirmed that they saw what they could not possibly have seen from the place where they were concealed. They shewed themselves therefore the very moment that Licinius came, when he was going to give the box, when he was stretching forth his hand, when he was delivering the poison. This then is the end of a farce, not of a comedy, in which, when there is no conclusion, some person makes his escape, the benches creak, and the curtain is drawn.

SECT. XXVIII. For I ask, why the lady's troop suffered Licinius, while he was in suspense, hesitating, retreating, and endeavouring to make his escape, to slip out of their hands; why they did not seize him; why, by his own confession, by the eyes of so many witnesses; in a word, by the voice of the thing itself, they did not prove so enormous a crime in the clearest manner?

cillum, alacres perterritum superare non possent? Nullum argumentum in re, nulla suspicio in causa, nullus exitus criminis reperitur. Itaque haec causa ab argumentis, à conjectura, ab iis signis, quibus veritas illustrari solet, ad testes tota traducta est. Quos quidem ego testes, judices, non modò sine ullo timore, sed etiam cum aliqua spe delectationis exspecto; praegestit animus jam videre, primùm lautos juvenes, mulieris beatæ ac nobilis familiares: deinde fortés viros, ab imperatricē in insidiis, atque in praesidio balnearum locatos: ex quibus requiram, quonam modo latuerint, aut ubi: alveus-ne ille, an equus Trojanus fuerit, qui tot invictos viros, muliebre bellum gerentes, tulerit ac texerit? Illud verò respondere cogam, cur tot viri ac tales hunc et unum, et tam imbecillum, quād videtis, non aut stantem comprehendenterint, aut fugientem consecuti sint; qui se nunquam profectò, si istum in locum processerint, explicabunt: (43) quād volent in conviviis faceti, dicaces, nonnunquam etiam ad vinum dīserti sint; alia fori vis est, alia triclinii: alia subselliorum ratio, alia lectorum: non idem judicum, comessatorumque conspectus: lux denique longè alia est solis, et lychnorū. Quamobrem excutiemus omnes istorum delicias, omnes ineptias, si prodierint; sed, si me audiant, navent aliam operam, aliam incant grātiā, in aliis se rebus ostentent: vigeant apud istam mulierem venustate; dominantur sumptibus; haereant, jaceant, deserviant: capit̄ verò innocentis, et fortunis parcant.

XXIX. At sunt servi illi de cognatorum sententia, nobilissimorum et clarissimorum hominum, manumissi. Tandem aliquid invenimus, quod ista mulier de suorum propinquorum, fortissimorum virorum, sententiā atque auctoritate fecisse videatur. Sed scire cupio, quid habeat argumenti ista manumissio: in qua aut crimen est Coelio quaesitum, aut quaestio sublevata, aut multarum rerum consciis servis, cum causa praemium persolutum. At propinquis placuit; cur non placeret, cū rem tu-te ad eos non ab aliis tibi allatam, sed à te ipsa compertam deferre dices? Hic etiam miramur, (44) si illam commentitiam pyxidem obscoenissi-

NOTES.

(43) *Quam volent in conviviis faceti, dicaces, nonnunquam etiam ad vinum dīserti sint.*] Cicero here represents, in a very beautiful manner, the insignificance of that giddy tribe, who spend their time in perpetual dissipation, in noisy mirth, and insipid gaiety, when they

happen to be engaged in matters of importance.

(44) *Si illam commentitiam pyxidem obscoenissima sit fabula consecuta.*] Our orator here alludes to some infamous and notorious story, which took its rise from this box; but what it was we are no where told.

Were they afraid lest they should not be able to get the better of him? What! so many against one, the strong against the weak, the bold against the fearful! The whole matter is without proof, the allegations have no presumptions to support them, the charge has no manner of connection. This cause, therefore, being destitute of proofs, presumptions, or any of those circumstances by which the truth is usually cleared up, depends solely upon witnesses; witnesses, my lords, whom I wait for not only without the least apprehension, but even with some hopes of being pleased. I long much to see, first, the elegant young gentlemen, the friends of a rich and noble lady, and then those brave men posted by their commandress in ambush, and guarding a bagnio. I will ask them, in what manner they were concealed, or where; whether it was a large bathing-tub, or a Trojan horse, that contained and concealed so many invisible men, fighting in the service of a lady? I will oblige them to declare, why so many and such brave men, having only one person before them, and, as you see, so very unable to resist, did not either seize him as he was standing, or pursue him when he fled. If they should appear here, I am confident this is what they will never be able to account for, how facetious and talkative soever they may be at entertainments, nay and eloquent too sometimes over their bottle. The eloquence of the bar, and of the dining-room, is very different; the manner of the bench differs widely from that of the couch; the sight of a judge, and that of a reveller, is far from being the same; in a word, the light of the sun, and that of a lamp, have very little resemblance. If they appear, therefore, we shall examine all their jokes, all their pleasantries. But if they follow my advice, they will employ themselves differently, make their court in another manner, and display talents of a different kind. Let them ingratiate themselves with that lady by their politeness; let them outshine all others in expence; let them accompany her everywhere, be always near her, and ever ready to obey her orders; but let them be tender of the life and fortune of an innocent man.

SECT. XXIX. But we are told that those slaves are made free by the advice of relations, men of the highest quality and renown. At last we have found something which this lady may seem to have done by the advice and approbation of her relations, who are undoubtedly men of great spirit. But I should be glad to know what is proved by this manumission, by which an accusation is either feigned against Coelius, or an examination by torture prevented, or a just reward bestowed upon slaves, who are acquainted with many secrets. The manumission, it is said, pleased the relations: how should it do otherwise, when you yourself acknowledge that you communicated the matter to them, not as what others

sima sit fabula consecuta? Nihil est quod in ejusmodi mulierem non cadere videatur; audita [et pervulgata] per celebrata sermonibus res est. Percipitis animis, judices, jamdudum quid velim, vel potius quid nolim dicere. Quod etiam si est factum, certè à Coelio non est factum; quid enim attinebat? est enim ab aliquo fortasse adolescentे non tam insulso, quam non verecundo. Sin autem est fictum: non illud quidem modestum, sed tamen non est infacetum mendacium; quod profectò nunquam hominum sermo, atque opinio comprobasset, nisi omnia, quae cum turpitudine aliqua dicerentur, in istam quadrare aptè viderentur. Dicta est à me causa, judices, et perorata; jam intelligitis, quantum judicium sustineatis, quanta res sit commissa vobis. De vi quaeritis: quae lex ad imperium, ad majestatem, ad statum patriae, ad salutem omnium pertinet: quam legem Q. Catulus armatâ dissensione civium, reipublicæ penè extremis temporibus, tulit: quaeque lex, sedatâ illâflammâ consulatus mei, fumantis reliquias coniurationis extinxit. Hâc enim lege Coelii adolescentia non ad reipublicæ poenas, sed ad mulieris libidines et delicias deposita.

XXX. Atque hoc etiam loco (45) M. Camurti et C. Eserni damnatio praedicatur. O stultitiam! stultitiam-ne dicam, an impudentiam singularem? audetis-ne, cùm ab ea muliere veniatis, facere istorum hominum mentionem? audetis-ne excitare tanti flagitii memoriam, non extinctam illam quidem, sed repressam vetustate? Quo enim illi crimine, peccatoque perierunt? nempe quòd ejusdem mulieris dolorem et injuriam Vettiano nefario sunt stupro persecuti. Ergo ut audiretur Vettii nomen in causa, (46) ut illa vetus Afrania fabula refricaretur, idcirco Camurti et Eserni causa est renovata? qui quanquam lege de vi certè non tenebantur, eo maleficio tamen erant implicati, ut ex nullius legis laqueis emittendi viderentur. M. verò Coelius cur in hoc judicium vocatur? cui neque proprium quaestionis crimen objicitur, nec verò aliquid ejusmodi, quod sit à lege sejunctum, et cum vestra severitate conjunctum; cuius prima aetas dedita disciplinis fuit, iisque artibus, quibus

NOTES.

(45) *Camurti et C. Eserni damnatio.*] Camurtus and C. Esernus were two wicked instruments employed by Clodia to revenge her upon one Vettius, who would not yield to her solicitations; and, on that account, became the object of her hatred and cruel resentment. They were concerned in the assassination of the Alexandrian ambassadors, and were condemned for it.

(46) *Ut illa vetus Afrania fabula.*] This either alludes to one Afranius a poet, who wrote some plays full of ribaldry, or to an impudent woman called Caia Afrania, mentioned by Valerius Maximus, who informs us that she was constantly engaged in law-suits; that she always pleaded her own cause before the praetor; and that she spoke so much, and so loud, that her name became proverbial in the forum.

had told you, but as what you had discovered yourself? Is it to be wondered at, if a most shameful story arose from this fictitious box? But there is nothing which such a woman may not be supposed capable of doing; the thing is known, and in every body's mouth. You cannot now be ignorant, my lords, of what I would, or rather what I would not say. If the thing was done, it certainly was not done by Coelius: for of what advantage could it have been to him? It has been done, then, perhaps, by some young fellow who is not so much void of sense as of modesty. But if the whole is a fiction, it is not indeed a modest, but it is an humorous one; it could not however have been talked of publicly, nor believed, were it not that the character of that lady is such that there is nothing so shameful which does not suit it. I have pleaded the cause of Coelius, my lords, I have finished my defence; you now see the importance of this trial, and how weighty a matter is to be determined by you. An accusation of violence is now under your consideration; and the law in relation to it concerns our empire, our grandeur, the interest of our country, and the common welfare; a law which was made by Q. Catulus, when our citizens were armed against each other, and our liberties almost expiring; and which, after the flames that broke out in my consulship were quenched, extinguished the smoking remains of a desperate conspiracy. Upon this law the youth of Coelius is attacked, not to satisfy the demands of public justice, but to gratify the resentment and wanton humour of a woman.

SECT. XXX. Here too the condemnation of M. Camurtus and C. Esernus is mentioned. What folly! folly, shall I say, or unparalleled impudence? Have you the assurance, you who came from that woman, to make mention of these men? Dare you renew the remembrance of so enormous a crime, which is only weakened, not extinguished by time? For what was their guilt, and upon what accusation were they condemned? Why, because they were the instruments of this woman's revenge, by making a shameful attack upon Vettius. Was it in order to have the name of Vettius mentioned in this cause therefore, and that old comedy of Afranius revived, that the case of Camurtus and C. Esernus is brought to our remembrance? who, though their crime did not fall under the law in relation to violence, were yet so highly criminal, that they seemed to be condemned by every law. But why is M. Coelius summoned hither, who is neither charged with any crime that can properly fall under this law, nor indeed with any thing that has any relation to the law, and is subject to your authority? His early years were devoted to those sciences and that course of study by which we are formed for the bar, for bearing a

instruimur ad hunc usum forensem, ad capessendam rempublicam, ad honorem, gloriam, dignitatem: iis autem fuit amicitia majorum natu, quorum imitari industriam continentiamque maximè velit: iis aequalium studiis, ut eundem, quem optimi ac nobilissimi, petere cursum laudis videretur. Cum autem paullum jam roboris accessisset aetati, in Africam profectus est, (47) Q. Pompeio proconsuli contubernalis, castissimo viro atque omnis officii diligentissimo: in qua provincia cum res erant et possessiones paternae, tum etiam usus quidam provincialis, non sine causa, à majoribus huic aetati tributus: discessit illinc Pompeii judicio probatissimus, ut ipsius testimonio cognoscetis. Voluit vetere instituto, eorum adolescentium exemplo, qui post in civitate summi viri et clarissimi cives exstiterunt, industriam suam à populo Romano ex aliqua illustri accusatione cognosci.

XXXI. Velle alio potius eum cupiditas gloriae detulisset; sed abiit hujus tempus querelae. Accusavit C. Antonium, collegam meum: cui misero praeclari in rempublicam beneficij memoria nihil profuit, nocuit opinio maleficij cogitati. Postea nemini concessit aequalium, plus ut in foro, plus ut in negotiis versaretur causisque amicorum, plus ut valeret inter suos gratiam; quae nisi vigilantes homines, nisi sobrii, nisi industrii, consequi non possunt, omnia labore et diligentia est consecutus. (48) In hoc flexu quasi aetatis (nihil enim occultabo, fretus humanitate ac sapientia vestra) fama adolescentis paullum haesit ad metas notitia novâ mulieris, et infelici vicinitate, et insolentia voluptatum; quae cum inclusae diutius, et primâ aetate compressae, et constrictae fuerunt, subito se nonnunquam profundunt, atque ejiciunt universae; qua ex vita, vel dicam, quo ex sermone, nequam enim tantum erat, quantum homines loquebantur, verum ex eo, quidquid erat, emersit, totumque se ejecit atque extulit: tantumque abest ab illius familiaritatis infamia, ut ejusdem nunc ab sese inimicitias odiumque propulset. Atque ut iste interpositus sermo deliciarum desidiaque moreretur (fecit me,

NOTES.

(47) *Q. Pompeio proconsuli contubernalis.*] This may either signify, that Coelius lived in the same tent with the proconsul, or that he was under his particular care and inspection.

(48) *In hoc flexu quasi aetatis fama adolescentis paullum haesit ad metas.*] This is a beautiful metaphor borrowed from the chariot-races, in which it required great art and dexterity to avoid the meta handsomely, in making their turns. Now, as this turning was the most difficult part of the race, Cicero repre-

sents that turn of life betwixt youth and manhood as the most critical and dangerous part of it; and indeed very justly. Youth, being now set free from the shackles of discipline, look abroad into the world with rapture; see an elysian region open before them, stored with delight; and, being distracted by different forms of pleasure, vainly imagine that every path will equally lead them to the bowers of bliss. Reason being now but a feeble guide, and passion and fancy the steering principles, no wonder if,

share in the government, and for the attainment of glory, honour, and dignity. He cultivated friendship with those who were more advanced in years than himself, but with those only whose industry and temperance he was most desirous of imitating ; and, in his intimacy with his equals, he seemed to tread the same path of honour with the most worthy and illustrious. When he was a little farther advanced in life, he went into Africa, and lived in the same tent with the proconsul Q. Pompeius ; a man eminent for his integrity, and a strict observer of every moral duty. In this province, where his father had an estate, he acquired that provincial experience which our ancestors justly considered as necessary for young gentlemen of his age ; and left it highly approved by Pompey, as you shall see by the testimony he gave of him. He was desirous of giving the Roman people a proof of his industry, by impeaching some considerable person, according to some ancient usage, and in imitation of those young men who afterwards arrived at great eminence, and became illustrious citizens.

SECT. XXXI. I wish his passion for glory had led him to something else ; but 'tis too late now to complain of that. He accused my unfortunate colleague, C. Antonius, to whom the remembrance of his services to the state was of no avail, and the opinion of his having intended its ruin, of great prejudice. None of his equals afterwards surpassed him in diligence at the bar, in the multiplicity of business, in managing the causes of friends, or in the esteem of relations ; all the advantages which can only be obtained by the vigilant, the temperate, and the industrious, he obtained by labour and diligence. In this turning of life, as it may be called, (for I will conceal nothing, as I have the greatest confidence in your goodness and wisdom,) his reputation met with a rub at the very goal, by his acquaintance with this woman, his unhappy neighbourhood, and his not being accustomed to pleasures ; which, when they are long confined, and, in the early part of life, checked and shackled, pour forth sometimes all of a sudden, and throw themselves out all at once. He has however extricated himself from this life, or rather from this report, (for he was far from being what he was said to be) ; but whatever it was, he has raised himself above it, and is now so far removed from the reproach of her intimacy, that he defends himself against her malice and resentment. And that he might put an end to those reports of his sloth and voluptuousness, which clouded his reputation, he accused a friend of mine of corruption, much against my inclination indeed ; he did it

NOTES.

launching thus into the ocean of life, confident of the soundness of their vessels, with full sails, and without a pilot,

they are either betrayed into whirlpools, or dashed against the rocks.

mehercule, invito et multùm repugnante, sed tamen fecit) nomen amici mei de ambitu detulit: quem absolutum insequitur, re-vocat: nemini nostrûm obtemperat: est violentior quâm vellem. Sed ego non loquor de sapientia, quae non cadit in hanc aetatem: de impetu animi loquor, de cupiditate vincendi, de ardore mentis ad gloriam, quae studia in his jam aetatibus nostris contractiora esse debent: in adolescentia verò, tanquam in herbis, significant, quae virtutis maturitas, et quantae fruges industriae sint futurae. Etenim semper magno ingenio adolescentes refrenandi potius à gloria, quâm incitandi fuerunt: amputanda plura sunt illi aetati, siquidem efflorescit ingenii laudibus, quâm inse-renda. Quare, si cui nimiùm efferuisse videtur hujus, vel in suscipiendis, vel in gerendis inimiciis, vis, ferocitas, pertinacia; si quem etiam minimorum horum aliquid offendit; si purpuræ genus, si amicorum catervae, si splendor, si nitor; jam ista deferbuerint; jam aetas omnia, jam ista dies mitigârit.

XXXII. Conserveat igitur reipublicae, judices, civem bonarum artium, bonarum partium, bonorum virorum. Promitto hoc vobis, et reipublicae spondeo, si modò nos ipsi reipublicae satis-fecimus, nunquam hunc à nostris rationibus sejunctum fore; quod cùm fretus nostrâ familiaritate promitto, tun quod durissimis se ipse legibus jam obligârit. Neque enim potest, qui hominem consularem, quòd ab eo rempublicam violatam diceret, in judicium vocârit, ipse esse in republica civis turbulentus: non potest, qui ambitu ne absolutum quidem patitur esse absolutum, ipse impunè unquam esse largitor. Habet à M. Coelio res-publica, judices, duas accusationes vel obsides periculi, vel pignora voluntatis. Quare oro, obtestorque vos, judices, ut qua in civitate paucis his diebus (49) Sext. Clodius absolutus sit, quem vos per biennium aut ministrum seditionis, aut ducem vidistis; qui aedes sacras, qui censum populi Romani, qui memoriam publicam suis manibus incendit, hominem sine re, sine fide, sine spe, sine sede, sine fortunis; ore, linguâ, manu, vitâ omni inquinatum; qui Catuli monumentum affixit, meam domum diruit, mei fratris incendit; qui in Palatio atque in urbis oculis servitia ad cae-dem et inflammmandam urbem incitavit: in ea civitate ne patia-

NOTES.

(49) *Sextus Clodius absolutus sit.*] This is the person of whose violent behaviour | we hear so much in the oration for Milo, and that for Cicero's own house.

however, notwithstanding all my endeavours to the contrary: after he was acquitted, he renewed the accusation; he regarded none of us; and has much more impetuosity than I could wish. But I don't speak of wisdom, which is seldom to be met with in his years; I speak of the bent of his mind, of his passion for distinguishing himself, and his ardour for glory: all which, in persons of our age, ought to be more moderate; but in youth, as in vegetables, they only shew what is to be expected from their virtue when arrived at its maturity, and what a rich harvest is to spring from their industry. And indeed it has always been more necessary to check young men of great genius in the career of glory, than spur them on; and at that age much more is to be lopped than ingrafted, as its powers are opened and spread out by applause. If Coelius therefore appears to any to be too impetuous, sanguine and obstinate, either in conceiving or in prosecuting resentment; if the meanest of those that are here present are in the least offended by the purple he wears, the number of his friends, his splendour and elegance; these things will quickly subside; age and time will moderate them all.

SECT. XXXII. Preserve therefore to the state, my lords, a citizen of virtuous dispositions, of virtuous principles, and of virtuous friendships. This I promise to you, and engage for it to my country, if I myself have hitherto given satisfaction to the state, that his measures shall never be different from mine: this I promise, both on account of our intimacy, and because he has brought himself under the strongest engagements to perform it. For it is impossible that he who impeached a person of consular dignity, for attempting the ruin of the state, should himself be a seditious citizen: it is impossible that he should ever dare to practise the arts of corruption, who accused another of practising them, after being once acquitted. The state, my lords, has of M. Coelius two impeachments, as hostages that he will never bring her into danger, and as pledges of his affection. In a city therefore, my lords, where within these few days Sextus Clodius has been acquitted, whom for two years you have seen either the instrument or the leader of sedition; who, with his own hands, has set fire to the temples, the registers, and the archives of Rome; a man without estate, without honour, without hope, without a dwelling, without any fortune; whose mouth, whose tongue, whose hands, whose whole life is polluted; who demolished the monument of Catulus, threw down my house, and burnt that of my brother; who, in the Palatium, and before the eyes of all Rome, raised the slaves to butcher our citizens, and set fire to our city; I intreat and conjure you, that you would not suffer him to be acquitted in the same city through the interest, and

mini illum absolutum muliebri gratiâ, M. Coelium libidini muliebri condonatum: ne eadem mulier cum suo conjuge et fratre, turpissimum latronem eripuisse, et honestissimum adolescentem oppressisse videatur. Quòd cùm hujus vobis adolescentiam proposueritis, (50) constituitote vobis ante oculos hujus etiam miseri senectutem, qui hoc unico filio nititur, in hujus spe requiescit, hujus unius casum pertimescit: quem vos supplicem vestrae misericordiae, servum potestatis, abjectum non tam ad pedes, quàm ad mores sensusque vestros, vel recordatione parentum vestrorum, vel liberorum jucunditate sustentate: ut in alterius dolore, vel pietati, vel indulgentiae vestrae serviatis. Nolite, judices, aut hunc jam naturâ ipsâ occidentem velle maturiùs extingui vulnere vestro, quàm suo fato: aut hunc nunc primùm florescentem firmatâ jam stirpe virtutis, tanquam turbine aliquo aut subitâ tempestate, pervertere. Conserve parenti filium, parentem filio, ne aut senectutem jam prope desperatam contempsisse, aut adolescentiam plenam spei maxima, non modò non aluisse vos, sed etiam perculisse atque afflixisse videamini. Quem si vobis, si suis, si reipublicae conservatis, addictum, deditum, obstrictum vobis ac liberis vestris habebitis: omniumque hujus nervorum ac laborum vos potissimum, judices, fructus uberes diuturnosque capietis.

NOTES.

(50) *Constituitote vobis ante oculos hujus etiam miseri senectutem.*] Scarce any thing can be of greater efficacy to melt the mind into tenderness and compassion, than the sight of old age overwhelmed with sorrow and affliction: this circumstance, therefore, wrought up with so

much beauty by one who was master of all the powers of eloquence, and knew well all the avenues to the human heart, could not fail of impressing the judges with favourable dispositions to Coelius, who accordingly was acquitted.

M. Coelius to be sacrificed to the lusts, of a woman; lest the same person with her husband, I mean her brother, should seem to have saved a most infamous robber, and ruined a young man of the greatest worth. And when you have considered the youth of Coelius, place before your eyes the old age of this his wretched father, who has no other support but this only son; who finds all his hopes upon him, and has no fears but upon his account. If your hearts were ever touched with pious sentiments to parents, or with tender affection to children, support him, here prostrate before you; not so much to testify his respect, as to move your compassion; that the sorrows of both may excite in you every emotion of filial piety and paternal fondness. Let not the one, my lords, who is already sinking into the grave by the weight of years, be cut off by your severity, sooner than by the stroke of nature; nor the other, now that his virtues have taken deep root, and just begun to blossom, be thrown down as it were by some violent blast or sudden tempest. Preserve the son to the father, the father to the son, that you may not appear to have despised an old man almost destitute of every hope; and not only to have refused cherishing a youth of the greatest hopes, but even to have depressed and ruined him. By preserving him to yourselves, to his friends, to his country, you will find you will attach and consecrate him to you and your children; and you, my lords, will reap the fairest and most lasting fruits of all his abilities, and of all his toils.

ORATIO XI.

IN L. CALPURNIUM PISONEM.*

I. (1) JAMNE vides, bellua, jamne sentis, quae sit hominum quæ
rela frontis tuae? (2) Nemo queritur Syrum, nescio quem, de
grege novitiorum, factum esse consulem; non enim nos color iste
servilis, non pilosae genae, non dentes putridi deceperunt: oculi,
supercilia, frons, vultus denique totus, qui sermo quidam tacitus
mentis est, hic in errorem homines impulit: hic eos, quibus erat
ignotus, decepit, fecellit, in fraudem induxit. Pauci ista tua lutu-
lenta vitia noveramus: pauci tarditatem ingenii, stuporem debili-
tatemque linguae; nunquam erat audita vox in foro: nunquam
periculum factum consilii; nullum non modo illustre, sed ne notum
quidem factum, aut militiae, aut domi; obrepsti ad honores
errore hominum, (3) commendatione fumosarum imaginum, qua-
rum simile habes nihil praeter colorem. Is mihi etiam gloriabitur,
se omnes magistratus sine repulsa assecutum? mihi ista licet de-

NOTES.

* L. Calpurnius Piso was consul with Gabinius in the year of Rome 695; they were both the professed enemies of Cicero, and concurred with Clodius in those violent measures which terminated in his banishment. Upon the expiration of his consulship, Piso went to his government of Macedonia, where his administration was extremely inglorious: he oppressed the subjects, plundered the allies, and lost the best part of his troops against the neighbouring barbarians, who invaded and laid waste the country. Cicero, after his return from exile, neglected no opportunity of being revenged. Upon occasion of a debate in the senate about the consular provinces, he exerted all his authority to get him recalled with some marks of disgrace, and accordingly the senate decreed his revocation; when he arrived at Rome, he entered the city ob-

scurely and ignominiously, without any other attendance than his own retinue. On his first appearance in public, trusting to the authority of Cesar, who was his son-in-law, he had the hardness to attack Cicero, and complain to the senate of his injurious treatment of him. Cicero, provoked by his impudent attack, replied to him upon the spot in the following oration, which is a severe invective upon his whole life and conduct; and which, if invectives are to be considered as faithful memoirs, must transmit to all posterity the most detestable character of him.

(1) *Jamne vides, bellua.*] The beginning of this oration is lost, excepting a few fragments preserved by Asconius.

(2) *Nemo queritur Syrum, nescio quem.*] By *Syrum* is here meant, a slave; for it was usual to call slaves by the name of the country from whence they came.

ORATION XI.

AGAINST PISO.

SECT. I. Dost thou not now see, blockhead, dost thou not now perceive what complaints are made of thy impudence? no one complains that an obscure Syrian, from amongst a crowd of new-bought slaves, is made consul: for his dark complexion, his hairy cheeks, and rotten teeth, would not allow of any imposition; but here men have been deceived by those eyes, by those brows, by that forehead; in a word, by that whole visage, which is a kind of silent language of the heart: these have misled, abused, and imposed upon those who were strangers to them. There were few of us who knew your filthy vices, few who were acquainted with your dulness, with the stupidity and feebleness of your tongue. Your voice was never heard in the forum, nor your opinion in the senate: never was you illustrious, nor even known, for any action either in peace or war; you have crept into honours by the mistake of mankind, without any thing to recommend you but smoaky images, which you resemble in nothing but their colour. And shall he vainly boast even to me, that he has obtained the highest offices of the state without repulse? This I indeed may be allowed to say of myself with true

NOTES.

Some commentators have indeed imagined that Gabinius, who had Syria for his province, is pointed at; but there seems to be little reason for such an imagination.

(3) *Commendatione sumosarum imaginum.*] The right of using pictures or statues at Rome was only allowed to such whose ancestors or themselves had borne some curule office, that is, had

been curule aedile, censor, praetor, or consul. He that had the pictures or statues of his ancestors, was called *nobilis*; he that had only his own, *novus*; he that had neither, *ignobilis*. It was usual for the Romans, as Cicero informs us in his book of Offices, to burn frankincense and wax-lights before them upon the *dies festi*; whence probably they are here called *fumosae*.

me vera cum gloria praedicare; omnes enim honores populus Romanus mihi ipsi, homini novo, detulit. Nam tu cum quaestor es factus, etiam qui te nunquam viderant, (4) tamen illum honorem nomini mandabant tuo. Ædilis es factus: Piso est à populo Romano factus, non iste Piso. Praetura item majoribus delata est tuis; noti erant illi mortui: te vivum, nondum noverat quisquam. Me cùm (5) quaestorem in primis, aedilem priorem, praetorem primum cunctis suffragiis populus Romanus faciebat, homini ille honorem, non generi; moribus, non majoribus meis; virtuti perspectae, non auditae nobilitati, deferebat. Nam quid ego de consulatu loquar? parto vis, anne gesto? Miserum me! cum hac me nunc peste, atque labe confero? sed nihil comparandi causâ loquar: ac tamen ea quae sunt longissimè disjuncta comprehendam. Tu consul es renunciatus (nihil dicam gravius, quam quod omnes fatentur) impeditis reipublicae temporibus, dissidentibus coss. Cæsare et Bibulo, cùm hoc non recusares, quin ii, à quibus dicebare consul, te luce dignum non putarent, nisi nequior, quam Gabinius, exstitisses; me cuncta Italia, me omnes ordines, me universa civitas, non priùs tabellâ quam voce, priorem consulem declaravit,

II. Sed omitto, ut sit factus uterque nostrum; sit sanè fors domina campi; magnificentius est dicere, quemadmodum gesserimus consulatum, quam quemadmodum ceperimus. Ego kalendis Januar. senatum et bonos omnes legis agrariae maximarumque largitionum metu liberavi. Ego agrum Campanum, (6) si dividi non oportuit, conservavi; si oportuit, melioribus auctoribus reservavi. Ego in C. Rabirio, perduellionis reo (7) XL annis ante me consulem interpositam senatûs auctoritatem sustinui contra invidiam, atque defendi. (8) Ego adolescentes bonos et fortes,

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(4) *Tamen illum honorem nomini mandabant tuo.*] Cicero reproaches Piso with being indebted for his advancement, not to personal merit, but to his name. He was descended indeed from one of the most illustrious families in Rome, that of Piso Frugi, who had done many and distinguished services to the Roman state. Our orator makes very honourable mention of him in his oration for Fonteius.

(5) *Quaestorem imprimis.*] Cicero obtained the quaestorship in the first year in which he was capable of it by law, the thirty-first of his age; and was chosen the first of all his competitors by the unanimous suffrages of the tribes.

(6) *Si dividi non oportuit, si oportuit.*] Our orator probably makes this distinction for fear of giving offence to Caesar,

who in his consulship had carried an Agrarian law by violence, for distributing the lands of Campania to twenty thousand poor citizens, who had each three children or more.

(7) *XL annis ante me consulem.*] In this, as in several other passages of his orations, Cicero is not scrupulously exact in his computations of time; for from the death of Saturninus to his consulship there were only thirty-five years; so that he must be understood as if he had said, almost forty years.

(8) *Ego adolescentes bonos et fortes.*] What Cicero here refers to, was this: Sylla had by an express law excluded the children of the proscribed from the senate and all public honours. The persons injured by this tyrannical act, being

glory, on whom, though but a new man, the Roman people have bestowed all their honours. When you was made quaestor, even those who had never seen you conferred that honour upon your name. You was made aedile; but it was a Piso who was then chosen by the Roman people, and not that there Piso. It was on your ancestors too that the praetorship was bestowed: these illustrious dead were known to every body; but you, though alive, was known by none. But when the Roman people, by their unanimous suffrages, made me quaestor, aedile, and praetor, the first of all my competitors, they bestowed those honours upon Cicero, not upon his family; upon his manners, not upon his ancestors; upon his virtue which they had seen, and not upon his nobility they had heard of. What shall I say of my consulship? Shall I shew how I obtained it, or how I exercised it? To what a miserable situation am I now reduced, to compare myself with that reproach, that plague of his country! But I will say nothing by way of comparison, and yet I will join things widely different from each other. You was declared consul, to say nothing more than what is universally confessed, at a difficult period of the state, while the consuls Caesar and Bibulus were at variance; and you yourself cannot deny, that those who declared you consul would have deemed you unworthy of the light, if you had not surpassed Gabinius in wickedness. But I was declared the first consul by the suffrages and acclamations of all Italy, of all orders of men, and of the whole state.

SECT. II. I shall not mention the manner, however, in which each of us was made consul, let chance be supposed to have presided in the field of election: it is more glorious to relate how we conducted ourselves in the consulship, than how we obtained it. On the first of January I delivered the senate, and every worthy Roman, from the terror of the Agrarian law, and that of boundless corruption. I preserved the Campanian lands, if it was not proper they should be divided; if it was, I reserved that employment for those that were better qualified to discharge it. In my pleading for C. Rabirius, who was accused of treason, for having killed Saturninus, forty years before my consulship, I supported and defended the authority of the senate when attacked by envy. I excluded from honours a number of brave and worthy young

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many, and of great families, used all their interest to get it reversed. Cicero was of opinion, that their petition was, from the condition of the times, highly unseasonable, however equitable; since it was natural to suppose, that the first use an oppressed party would make of

the recovery of their power, would be to revenge themselves on their oppressors. Accordingly he made it his business to prevent that inconvenience, and found means to persuade those unfortunate men, that to bear their injury was their benefit; and that the government

sed usos eâ conditione fortunae, ut, si essent magistratus adepti, reipub. statum convulsuri viderentur, meis inimicitiis, nullâ senatûs malâ gratiâ, comitiorum ratione privavi; ego Antonium collegam, cupidum provinciae, multa in republica molientem, patientiâ atque obsequio meo mitigavi. Ego provinciam Galliam senatûs auctoritate, exercitu et pecuniâ instructam et ornatam, quam cum Antonio communicavi, quod ita existimabam tempora reipubl. ferre, in concione deposui, reclamante populo Romano. Ego L. Catilinam, caudem senatûs, interitum urbis, non obscurè, sed palam molientem, egredi ex urbe jussi: ut, à quo legibus non poteramus, moenibus tuti esse possemus. Ego tela extremo mense consulatûs mei intenta jugulis civitatis, de conjuratorum nefariis manibus extorsi. Ego faces jam accensas ad hujus urbis incendium comprehendi, protuli, extinxi.

III. Me Q. Catulus, princeps hujus ordinis, et auctor publici consilii, frequentissimo senatu, parentem patriae nominavit. Mihi hic vir clarissimus, qui propter te sedet, L. Gellius, his audientibus, civicam coronam deberi à repub. dixit. Mihi togato senatus, non, ut multis, bene gestae, sed ut nemini, conservatae reipublicae, singulari genere supplicationis, deorum immortalium templa patefecit. (9) Ego cùm in concione, abiens magistratu, dicere à tribuno plebis prohiberer, quae constitueram; cùmque is mihi tantummodo ut jurarem, permetteret; sine ulla dubitatione juravi, rempubl. atque hanc urbem mē unius operâ esse salvam. Mihi populus Romanus universus, illa in concione, non unius diei gratulationem, sed aeternitatem immortalitatemque donavit, cùm meum jusjurandum tale atque tantum, juratus ipse, unâ voce et consensu approbavit. Quo quidem tempore is meus domum fuit e foro reditus, ut nemo, nisi qui mecum esset, civium esse in numero videretur. Atque ita est à me consulatus peractus, ut nihil sine consilio senatus, nihil non approbante populo Romano egerim: ut semper in rostris curiam, in senatu populum defenderim: ut multitudinem cum principibus, euestrem

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itself could not stand, if Sylla's laws were then repealed, on which the quiet and order of the republic were established. Mr Guthrie, in a note upon this passage, falls foul upon Cicero, whose conduct on this occasion, he says, was both impolitic and unjust, and the apology he makes for it a sneaking one. But the ingenious and learned Dr Middleton with more judgment observes, that he acted the part of a wise statesman, who is often forced to tolerate, and even maintain what he cannot approve, for the sake of the common good; agreeably to what he lays down in his book of offices, that many things which are naturally right and just, are yet by certain circum-

stances and conjunctures of times made dishonest and unjust.

(9) *Ego cùm in concione, abiens magistratu, dicere à tribuno plebis prohiberer, quae constitueram.]* It was usual to resign the consulship in an assembly of the people, and to take an oath of having discharged it with fidelity. This was generally accompanied with a speech from the expiring consul; and after such a year, and from such a speaker, the city was in no small expectation of what Cicero would say to them: but Metellus, one of the new tribunes, who generally opened their magistracy by some remarkable act, as a specimen of the measures they intended to pursue, disap-

men, but thrown by fortune into so miserable a situation, that if they had obtained power, they would probably have employed it to the ruin of the state; and this by rendering myself only obnoxious, without bringing the senate under any odium. By my patience and complaisance I softened my colleague Antony, who was desirous of a province, and was meditating many things against the state. In a public assembly, contrary to the inclination of the Roman people, I resigned the province of Gaul; which, by the senate's order, was well furnished with money and troops; and exchanged it with Antony, because, I thought, the situation of the state required it. L. Catiline, who was projecting the murder of the senate, and the destruction of Rome, not secretly, but openly, I ordered to leave the city; that, as our laws would not defend us from him, our walls might. In the last month of my consulship, I wrested from the wicked hands of conspirators the swords which they aimed at the throats of my fellow-citizens. I seized, produced, and extinguished the torches that were lighted up to set fire to the city.

SECT. III. Q. Catulus, prince of the senate, and the guide of public deliberations, in a full house, declared me the Father of my Country. L. Gellius, that illustrious senator who sits near you, said, in the hearing of this assembly, that a civic crown was due to me from the republic. The senate, by an extraordinary kind of supplication, opened the temples of the immortal gods to me in my robes of peace, not for having done service to the state, which had been the case of many, but for having saved it from ruin, which had happened to none. Upon the expiration of my office, when a tribune of the people hindered me from saying publicly what I intended, and would only allow me to take the oath, I swore without any hesitation, that I alone had preserved the commonwealth and this city from destruction. The whole Roman people upon that occasion bestowed upon me, not the acclamations of a day, but an eternity and immortality of applause; for with one voice, and with one consent, they confirmed this my solemn and important oath, and swore themselves that what I said was true: after which, my return from the forum to my own house was such, that none but those who attended me seemed to be Romans. Such indeed was my conduct during the whole of my consulship, that I did nothing without the advice of the senate, nothing without the approbation of the Roman people. From the rostra I always defended the cause of

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pointed both the orator and the audience; for when Cicero had mounted the *rostra*, and was ready to perform this last act of his office, he would not suffer him to speak, or do any thing more than barely

take the oath; declaring, "that he who had put citizens to death unheard, ought not to be permitted to speak for himself."

ordinem cum senatu conjunxerim. Exposui breviter consulatum meum.

IV. Aude nunc, ô furia, de tuo dicere: cuius fuit initium (10) ludi Compitalitii, tum primum facti post L. Metellum et Q. Marcius coss. contra auctoritatem hujus ordinis: quos Q. Metellus (facio injuriam fortissimo viro mortuo, qui illum, cuius paucos pares haec civitas tulit, cum hac importuna bellua conferam) sed ille designatus consul, cum quidam tribunus pleb. suo auxilio magnos ludos contra senatusconsultum facere jussisset, privatus fieri vetuit; atque id, quod nondum potestate poterat, obtinuit auctoritate. Tu, cum in kalendas Jan. Compitaliorum dies incidissent, Sex. Clodium, qui nunquam antea praetextatus fuisset, ludos facere, et praetextatum volitare passus es, hominem impurum, atque non modò facie, sed etiam oculo tuo dignissimum. Ergo his fundamentis positis consulatus tui, triduo post, inspectante et tacente te, à P. Cladio, fatali portento prodigioque reipublicae, lex Ælia et Fusia eversa est, propugnacula murique tranquillitatis atque otii. Collegia non ea solum, quae senatus sustulerat, restitura sunt, sed innumerabilia quaedam nova ex omni faece urbis ac servitio constituta. Ab eodem homine, in stupris inauditibus nefariisque versato, vetus illa magistra pudoris et modestiae, severitas censoria sublata est: cum tu interim, bustum reipubl. qui te consulem tum Romae dicis fuisse, verbo nunquam significaris sententiam tuam tantis in naufragiis civitatis.

V. Nondum quae feceris, sed quae fieri passus sis, dico: neque verò multum interest, praesertim in consule, utrum ipse perniciosis legibus, improbis concionibus rempubl. vexet, an alias vexare patiatur. An potest ulla esse excusatio, non dicam male sentienti, sed sedenti, cunctanti, dormienti in maximo reipubl. motu consuli? centum propè annos legem Æliam et Fusiam teneramus: quadringentos judicium, notionemque censoriam; quas leges ausus est non nemo improbus, potuit quidem nemo unquam, convellere: quam potestatem minuere, quo minus de moribus nostris quinto quoque anno judicaretur, nemo tam effusè petulans conatus est. Haec sunt, ô carnifex, in gremio sepulta consulatus tui. Persequere connexos his funeribus dies. Pro Aurelio tribunal, ne connivente quidem te, quod ipsum esset

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(10) *Ludi Compitalitii.*] The *Ludi Compitalitii* were so called from the *Compita*, or cross lanes, where they were instituted and celebrated by the rude multitude that was got together, before the building of Rome: after having been laid down for many years, they were revived, and held during the *Compitalia*, or feasts of the *Lares*, who presided as

well over streets as houses. We are told by Suetonius that Augustus ordered the *Lares* to be crowned twice a year at the *Compitalian* games, with spring-flowers. This crowning the household gods, and offering sacrifices up and down in the streets, made the greatest part of the solemnity of the feast.

the senate, and in the senate that of the people; the lower sort of the people I united with the higher, and the equestrian with the senatorian order. Thus have I briefly laid open my consulship.

SECT. IV. If thou darest now, detestable fury! speak of thine, which was begun with the Compitalian games, then first exhibited since the consulship of L. Metellus and Q. Marcius, against the authority of this order. Q. Metellus, when consul-elect, (but I do an injury to the memory of that brave man, who has had few equals in this state, when I compare him with this worthless being), forbade, as a private person, these games to be celebrated; though a tribune of the people, in opposition to a decree of the senate, had ordered it; and thus effected by his credit, what he could not as yet have done by his power. These games falling upon the first of January, you suffered Sex. Clodius, that beastly fellow, and highly worthy of your countenance and friendship, to celebrate them, and to flutter about in his purple-bordered robe, though till then he had never wore it. Having thus laid the foundation of your consulship, three days after, the Aelian and Fusian laws, those walls and bulwarks of the public peace and tranquillity, were abolished by P. Clodius, that pernicious monster to the state, whilst you looked silently on. Those fraternities which the senate destroyed, were not only restored, but numberless new ones were raised, consisting of slaves, and the very dregs of the city. The same Clodius, who abandoned himself to the most horrible and unheard-of acts of lewdness and debauchery, abolished the severity of the censorship, that ancient directress of manners and modesty; whilst you, the sepulchre of the state, who tell us that you was then consul at Rome, never opened your mouth amidst the so great desolation of your country.

SECT. V. I have hitherto mentioned not what you did, but only what you suffered to be done; though indeed there is little difference, especially in a consul, whether he himself harasses the state by pernicious laws and wicked cabals, or allows others to do it. Can any excuse be made, I shall not say for a disaffected consul, but for one who sits still, who loiters and sleeps during the greatest commotions of the state? The Aelian and Fusian laws we had observed almost for an hundred years, and the jurisdiction of the censors had subsisted four hundred: these laws one wretch endeavoured, but no man was ever able, to shake: as to the jurisdiction of the censors, no person ever arrived at such a pitch of audaciousness as to endeavour to lessen it, and prevent our manners from being brought under their cognizance every fifth year. All these, thou executioner of the laws, were buried in the bosom of thy consulship. Go on, and inform us of what happened immediately after

scelus, sed etiam hilarioribus oculis, quām solitus eras, intuente, delectus servorum habebatur ab eo, qui nihil sibi unquam nec facere, nec pati turpe esse duxit; (11) arma in templo Castoris, ô proditor templorum omnium! vidente te, constituebantur ab eo latrone, cui templum illud fuit, te consule, arx civium perditorum, receptaculum veterum Catilinae militum, castellum forensis latrociniī, bustum legum omnium ac religionum. Erat non solum domus mea, sed totum Palatum senatu, equitibus Romanis, civitate omni, Italīa cunctā refertum: cūm tu non modò ad eum Cicronem (mittō enim domestica, quae negari possunt: haec commiemoro, quae sunt palām), non modò, inquam, ad eum, cui primam comitiis tuis dederas tabulam praerogativac, quem in senatu sententiam rogabas tertium, nunquam aspirāsti; sed omnibus consiliis, quae ad me opprimendum parabantur, non interfueristi solum, verū etiam crudelissimè praeſuisti.

VI. Mihi verò ipsi (12) coram genero meo, propinquo tuo, quae dicere ausus es? egere, foris esse Gabinium: sine provincia stare non posse: spem habere à tribuno plebis, si tua consilia cum illo conjunxisses: à senatu quidem desperāsse: hujus te cupiditati obsequi, sicuti ego fecissem in collega meo; nihil esse quod praesidium consulū implorarem: sibi quemque consulere oportere. Atque haec dicere vix audeo: vereor ne qui sit, qui istius insignem nequitiam, frontis involutam integumentis, nondum cernat; dicam tamen: ipse certè agnoscat, et cūm aliquo dolore flagitiorum suorum recordabitur. Meministe-ne, coenum, cūm ad te quintā ferē horā cum C. Pisone venissem, nescio quo è gurgustio te prodire, involuto capite, soleatum? et, cum isto ore foetido teterrimam nobis popinam inhalāsses, excusatione te uti valetudinis, quod dices, vinolentis te quibusdam medicaminibus solere curari? quam nos causam cūm accepissemus, (quid enim facere poteramus?) paullisper stetimus in illo ganearum tuarum nidore atque fumo: unde tu nos, cūm improbissimè respondendo, tum turpissimè eruc-

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(11) *Arma in templo Castoris.*] This temple was built by Aulus Posthumius upon his victory over the Latins, about the year of Rome 258; in consequence of a fabulous story, which we find related by Dionysius of Halicarnassus. Two young horsemen, 'tis said, of an extraordinary and majestic stature, appeared to Posthumius during the battle of Regillus, and fought for the Romans. In the evening, after the battle, they appeared at Rome in the forum, and, after having told the crowd of citizens who surrounded them the first news of the victory, they disappeared. The next

morning the magistrates receiving letters from Posthumius, which, among other circumstances of the battle, mentioned the sudden appearance of the two young horsemen who fought for the Romans; it was concluded they were the same who had brought the news to Rome, and that they could be no other than Castor and Pollux. This fabulous story was believed among the Romans, and transmitted to posterity by public monuments, which were still subsisting in the time of Dionysius.

(12) *Coram genero meo.*] This was C. Piso Frugi, on whom Cicero bestows a

this desolation of the state. Before the Aurelian tribunal, a levy of slaves was made by one who never thought any thing too infamous either to do or suffer, whilst you did not affect indeed to look on with indifference, though even this would have been a crime, but beheld it with unusual pleasure. Before thy eyes, thou who hast violated all the temples, arms were placed in the temple of Castor by that robber, who used it as a citadel for abandoned citizens, as a receptacle for Catiline's veterans, as a strong hold of civil robbery, as the sepulchre of all laws, and of every thing sacred. Not only my house, but the whole Palatium, was filled with senators, with Roman knights, with the citizens of Rome, and the inhabitants of all Italy; whilst you, (for I pass by domestic transactions, which may be denied, and confine myself to those that are publicly known), whilst you, I say, not only never assisted that Cicero, whom, at your election, you employed to preside over the votes of the leading century, and who was the third whose opinion you asked in the senate; but whenever any scheme was formed for my destruction, you was present, nay you cruelly presided.

SECT. VI. But what was it you had the impudence to say to myself, before my son-in-law, your own kinsman? that Gabinius was so very poor that he was not able to shew his head; that it was impossible for him to subsist without a province; that he had some hopes of one from a tribune of the people, if he and you were to join interests, but that he despaired of any thing from the senate; that you humoured him as I had done my colleague; that it signified nothing to implore the help of the consuls; and that every man ought to look to himself. And here there are some things I scarce dare mention. I am afraid lest there should be any who do not yet perceive the excessive wickedness which is concealed under the folds of that fellow's forehead: I will mention them, however. He himself will certainly acknowledge them, and the recollection of his crimes will be attended with some pangs of remorse. Dost thou not remember, thou filthy wretch! how that, when C. Piso and I went to you almost at mid-day, we found you coming out from a little hovel, with your sandals on your feet, and your head muffled up; and when you had almost overwhelmed us with a fetid steam poured forth from your stinking mouth, how you excused yourself on account of your bad health, and alleged that you made use of vinous medicines? After this apology, we remained a little (for what could we do?) amidst the stench and smoke of your filthy hovel, whence you forced us away by your low answers, and

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very high character; and tells us, that for probity, virtue, modesty, and every accomplishment of a fine gentleman and

fine speaker, he scarce had his equal among all the young noblemen of Rome.

tando ejecisti. Idem illo ferè biduo productus in concionem ab eo, cui sic aequatum praebebas consulatum tuum, cùm essem interrogatus, quid sentires de consulatu meo; gravis auctor, Calatinus credo aliquis, aut Africanus, aut Maximus, et non Caesonius (13) Semi-placentinus Calventius, respondes, altero ad frontem sublatu, altero ad mentum depresso supercilio, crudelitatem tibi non placere.

VII. Hic te ille homo dignissimus tuis laudibus collaudavit. Crudelitatis tu, furcifer, senatum consul in concione condemnas? non enim me, qui senatui parui; nam delatio illa salutaris et diligens fuerat consulis: animadversio quidem et judicium senatū; quae cùm reprehendis, ostendis, qualis tu, si ita fortè accidisset, fueris illo tempore consul futurus; stipendio, mehercule, et frumento Catilinam esse putāsses juvandum; quid enim interfuit inter Catilinam, et eum, cui tu senatū auctoritatem, salutem civitatis, totam rem publ. provinciae praemio vendidisti? Quae enim L. Catilinam conantem consul prohibui, ea P. Clodium facientem consules adjuverunt; voluit ille senatum interficere, vos sustulistis: leges incendere, vos abrogāstis: interire patriam, vos adjuvistis. Quid est vobis coss. gestum sine armis? incendere illa conjuratorum manus voluit urbem; vos ejus domum, quem propter urbs incensa non est. Ac ne illi quidem, si habuissent vestri similem consulem, de urbis incendio cogitāssent; non enim se tectis privare voluerunt: sed his stantibus nullum domicilium sceleri suo fore putaverunt; caedem illi civium, vos servitutem expetistis. Hic vos etiam crudeliores; huic enim populo ita fuerat ante vos coss. libertas insita, ut emori potiū quām servire praestaret. Illud verò geminum consiliis Catilinae et Lentuli, quōd me domo mēā expulstis, Cn. Pompeium domum suam compulstis; neque enim, me stante et manente in urbis vigilia, neque resistente Cn. Pompeio omnium gentium victorē, unquam se illi rem publicam delere posse duxerunt. A me quidem etiam poenas expetistis, quibus conjuratorum manes mortuorum expiaretis; omne odium inclusum nefariis sensibus impiorum in me profudistis: quorum ego furori nisi cessissem, in Catilinae busto, vobis ducibus, mactatus essem. Quod autem majus indicium exspectatis, nihil inter vos et Catilinam interfuisse, quām quōd eandem illam manum

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(13) *Semi-placentinus.*] Piso is here called *Semi-placentinus*, because his mother was of *Placentia*.

infamous belchings. About two days after, being brought into an assembly by him with whom you had shared your consular authority, when you was asked what you thought of my consulship, with an air of gravity, like a Calatinus, an Africanus, or Maximus, and not like a half Placentian, sprung from Cesonius and Calventius, having one brow screwed up to your forehead, and another hanging down to your chin, you replied, *that my cruelty did not please you.*

SECT. VII. Here you was applauded by him who is highly worthy of celebrating your praises. Dost thou, villain! dost thou, a consul, charge the senate with cruelty in a full assembly? As for me, I have no share in the charge; for I only obeyed the senate. To give salutary and diligent information belonged to me as a consul, but to bring to a trial and to punish, belonged to them as a senate; by blaming which, you plainly shew what you would have done, had you been consul at that time. I make no question but you would have given it as your opinion, that Catiline should be supplied with money and provisions; for where was the difference between Catiline and him with whom you bartered the authority of the senate, the safety of Rome, and the whole commonwealth, for a province? For P. Clodius was assisted by the consuls in doing those things, in which I, as a consul, obstructed the attempts of Catiline. He wanted to murder the senate, you have taken away their authority; he wanted to burn the laws, you have abrogated them; he wanted to destroy his country, and you have seconded his impious attempt. What was done during your consulship without arms? That band of conspirators wanted to set fire to the city, you to the house of him who prevented them. But had I been a consul like you, even they would never have entertained a thought of burning the city, for they would not have cared to destroy their own houses; but whilst such senators remained, they imagined they could have no sanctuary for their crimes. Their aim was to murder their fellow-citizens, yours to enslave them. In this, your cruelty was greater than theirs: for before your consulship, so ardent was the love of liberty in the breast of every Roman, that they would have preferred death to slavery. It was in imitation of the conduct of Catiline and Lentulus that you drove me from my house, and confined Pompey to his; for they never imagined they could destroy the state, whilst I was safe, and continued in the city as its watchman; and whilst Pompey, the conqueror of all nations, opposed them. You required my blood to satisfy the manes of the conspirators, and poured forth upon me all the odium that lay concealed in the breasts of the enemies of their country; to whose fury if I had not yielded, I had, under such leaders as you, been sacrificed upon the tomb of Catiline. But what stronger proof can

ex intermortuis Catilinae reliquiis concitâstis? quòd omnes undique perditos collegistis? quòd in me carcerem effudistis? quòd conjuratos armâstis? quòd eorum ferro ac furori meum corpus, atque omnium bonorum vitam objicere voluistis? Sed jam redeo ad paeclararam illam concessionem tuam.

VIII. Tu es ille, cui crudelitas displicet? qui, (14) cùm senatus luctum ac dolorem suum vestis mutatione declarandum censuisset, cùm videres moerere rempublicam amplissimi ordinis luctu, ô noster misericors! quid facis? quod nulla in barbaria quisquam tyrannus; omitto enim illud, (15) consulem edicere, ut se-natus senatûsconsulto ne obtemperet: quo foedius nec fieri, nec cogitari quidquam potest; ad misericordiam redeo ejus, cui nimis videtur senatus in conservanda patria fuisse crudelis. Edicere est ausus cum illo suo pari, quem tamen omnibus vitiis superare cupiebat, ut senatus, contra quâm ipse censuisset, ad vestitum rediret. Quis hoc fecit ulla in Scythia tyrannus, ut eos, quos luctu afficeret, lugere non sineret? moerorem relinquis, moeroris aufers insignia: eripis lacrymas, non consolando, sed minando. Quòd si vestem non publico consilio, patres conscripti, sed privato officio aut misericordiâ mutavissent; tamen id iis non licere per interdicta crudelitatis tuae, potestatis erat non ferendae. Cùm verò id senatus frequens censuisset, ordines reliqui jam antè fecissent; tu ex tenebris popina consul extractus, (16) cum illâ saltatrice tonsa senatum populi Romani occasum atque interitum reipublicae lugere vetuisti.

IX. At quaerebat etiam paullò antè de me, quid suo mihi opus fuisse auxilio? cur non meis inimicis, meis copiis, restitisse? quasi verò non modò ego, qui multis saepe auxilio fuisse, sed quisquam tam inops fuerit unquam, qui, isto non modò propaginatore, tutiorem se, sed advocate aut adstipulatore paratiorem fore putaret. Ego istius pecudis ac putidae carnis consilio scilicet aut

NOTES.

(14) *Cum senatus luctum ac dolorem suum vestis mutatione declarandum censuisset.*] When Cicero was reduced to the condition of a criminal, in consequence of one of Clodius's laws, he changed his habit upon it, as was usual in case of a public impeachment, and went about the streets in a mourning gown, to excite the compassion of his fellow-citizens. The whole body of the knights, and the young nobility, to the number of twenty thousand, with young Crassus at their head, changed their habit likewise; and upon a motion made by the tribune Ninnius, that the senate too should change their habit with the rest of the city, it was agreed to instantly by an unanimous vote.

(15) *Consulem edicere, ut senatus senatûs-consulto ne obtemperet.*] When the motion was made by Ninnius for the senate to change their habit, Piso kept his house on purpose; but Gabinius was so enraged, that he flew out of the senate into the forum, and declared to the people from the rostra, that the knights should pay dear for that day's work: and, to confirm the truth of what he said, he banished L. Lamia, a Roman knight, two hundred miles from the city, for his distinguished zeal and activity in Cicero's service. This was followed presently by an edict from both the consuls, forbidding the senate to put their late vote in execution, and

you desire of the similarity of your conduct to that of Catiline, than your raising the same band from the expiring remains of his associates? than your collecting all the abandoned from every quarter? than your pouring forth the very gaols upon me? than your arming conspirators? than your exposing my person, and the life of every worthy Roman, to their rage and violence? But I now return to that admirable speech of yours.

SECT. VIII. Are you the person who are shocked at cruelty? Why did you, good tender-hearted sir! when the senate had resolved to signify their concern and affliction, by changing their habit, when you saw the highest order of the state express their sorrow by their mourning? what the most barbarous tyrant never did. I pass by the orders given by a consul, that the senate should not obey their own decree; a proceeding, however, than which none can be conceived more infamous; and return to the compassion of the man who thought the senate too cruel in saving their country. He had the impudence to order, in conjunction with that brother of his, whom yet he was desirous to surpass in all manner of wickedness, that the senate, contrary to their own ordinance, should resume their usual habit. What Scythian tyrant ever refused the liberty of groaning under the burden himself had imposed? You leave them in affliction, and wont allow them to give marks of it; you prevent their tears, not by consolation, but by menaces. Supposing the conscript fathers had changed their habit, not in consequence of a public ordinance, but from a principle of private friendship or compassion, it would still have been an act of tyrannical power had you cruelly interposed with your edicts to prevent it: but when a full senate had decreed it, when all the other orders of the state had already done it, then you, who was a consul, being dragged out from a dark tavern, with that sleek dancing lady, forbid the senate to lament the fall and ruin of the state.

SECT. IX. But not long before he asked me what need I had for his assistance, and why I had not opposed my forces to those of my enemies? as if I, who had often assisted many, nay, as if the most destitute person alive would think himself more secure under such a protector, or better prepared for his trial with such an advocate and voucher. Was I desirous of throwing myself upon the counsels or protection of that filthy lump of brutality?

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enjoining them to resume their ordinary dress.

(16) *Cum illa saltatrix tonsa.*] Gabinius is here meant, who is put in the feminine

gender to denote his effeminacy, and is called *saltatrix*, because his joy at Cicero's banishment is said to have made him dance naked at a public entertainment.

praesidio niti volebam? ab hoc ejecto cadavere quidquam mihi aut opis aut ornamenti exspectabam? Consulem ego tum requirebam: consulem, inquam, non illum quidem, quem in hoc animali inventire non possem, qui tantam reipub. causam gravitate et consilio suo tueretur; sed qui, tanquam truncus atque stipes, si stetisset modò, posset sustinere tamen titulum consulatus. Cum enim esset omnis causa illa mea consularis et senatoria, auxilio mihi opus fuerat et consulis et senatus: quorum alterum etiam ad perniciem meam erat à vobis consulibus conversum; alterum reipublicae penitus eruptum. Ac tamen, si consilium exquiris meum, neque ego cessissem, et me ipsa suo complexu patria tenuisset, si mihi cum illo bustuario gladiatore, et tecum, et cum collega tuo decertandum fuissest. Alia enim causa praestantissimi viri Q. Metelli fuit: quem ego civem me iudicio cum deorum immortalium laude coniungo: qui C. illi Mario fortissimo viro, et cos. et sextùm consuli, et ejus invictis legionibus, ne armis configeret, cedendum esse duxit. Quod mihi igitur certamen esset hujusmodi? cum C. Mario scilicet, aut cum aliquo pari? (17) an cum altero barbato Epicuro, cum altero Catilinae laternario? quos neque hercule ego, neque supercilium tuum, neque collegae tui cymbala ac crotala fugi: neque tam fui timidus, ut qui in maximis turbinibus ac fluctibus reipublicae navem gubernasse, salvamque in portu collocasse, frontis tuae nubeculam, tum collegae tui contaminatum spiritum pertimescerem. Alios ego vidi ventos, alias prospexi animo procellas; aliis impendentibus tempestatibus non cessi, (18) sed his unum me pro omnium salute obtuli. Itaque discessu tum meo omnes illi nefarii gladii de manibus crudelissimis exciderunt: cum quidem tu, ô vecors et amens, cum omnes boni abditi inclusique moererent, templa gemerent, tecta ipsa urbis lugerent, complexus es illud funestum animal ex nefariis stupris, ex civili cruento, ex omnium scelerum importunitate et flagitorum impunitate concretum: atque eodem in templo, eodem et loci vestigio et temporis, arbitria non mei solùm, sed patriae funeris abstulisti.

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(17) *An cum altero barbato Epicuro.]* Piso, in his outward carriage, affected the mien and garb of a philosopher, being severe in his looks, squalid in his dress, slow in his speech, morose in his manners, the very picture of antiquity, and a pattern of the antient republic; but under the guise of virtue, he was a dirty, sottish, stupid Epicurean, and wallowed in all the low and filthy pleasures of life.

(18) *Sed his unum me pro omnium salute obtuli.]* Cicero, in this passage, and in several other passages of his orations,

makes a merit of having submitted to a voluntary exile, in order to spare the blood of his fellow-citizens, and preserve the public tranquillity; but his veracity in this seems liable to be justly questioned. It is certain, he once entertained a design of taking up arms in his own defence, and he is constantly reproaching himself in his letters to Terentia and to Atticus, during his exile, for not having done it; so that the patriot motive he so often assigns, appears to be nothing but the plausible colouring of artful eloquence. Were it to be admitted that a

Did I expect either assistance or countenance from that rotten carcase? At that time I wanted a consul: a consul, I say, not such a one indeed as was capable of defending so mighty a state by his wisdom and counsels, for such I could not have found in that animal: but one who, like a log or trunk of a tree, was able at least, provided he could but stand, to have borne the title of the consulship. For my cause being wholly consular and senatorian, I wanted the assistance both of a consul and a senate: but the consuls were bent upon my destruction; and as for the senate, its authority was entirely abolished. If you would have my sentiments upon the matter, however, know that I would not have yielded, and that my country should have held me fast in her embraces, if that murdering gladiator, yourself, and your colleague, had been the only enemies I was to contend with. The case of Q. Metellus, that illustrious citizen, whose glory, in my opinion, is equal to that of the immortal gods, was very different; when he thought it adviseable to yield, rather than engage with that bravest of men, C. Marius, then in his sixth consulship, and with his invincible legions. What such conflict had I to sustain? was I to contend with C. Marius, or any one equal to him, or with a bearded Epicurean, in conjunction with Cataline's lantern-bearer? From such, believe me, I never fled; nor from your haughty looks, nor from the pipes and cymbals of your colleague; nor, after steering the vessel of the republic amidst the most dreadful storms and hurricanes, and conducting her safe into the harbour of tranquillity, was I so pusillanimous as to dread the clouds of your countenance, or the stinking breath of your colleague. I foresaw other blasts, other storms; to those that had already threatened me I did not yield, but withstood them alone for the sake of the public safety. Accordingly, at my departure, every wicked sword dropped from every inhuman hand; whilst thou, mad wretch! at a time when every worthy Roman was lamenting in secret, when our very temples were groaning, when even the dwellings of Rome wore a mournful aspect, embraced that fatal monster, that compound of horrid lewdness, of civil murder, of all manner of atrocious crimes and wickedness committed with impunity: and in the same temple, on the same spot of ground, and at the same instant of time, received the price, not only of my ruin, but of that of your country.

NOTES.

regard to his country determined him to withdraw from it, he could not, as the ingenious Mr Melmoth observes, with any degree of truth, boast of his patriotism upon that occasion; since his warmest advocates must needs allow, that he no sooner executed this resolution, than

he heartily repented of it. The truth is, his tenderness for the peace of his country could not be very great, for he expressly desired Atticus to raise the mob in his favour, if there were any hopes of making a successful push for his restoration.

X. Quid ego illorum dierum epulas, quid laetitiam et gratulationem tuam, quid cum tuis sordidissimis gregibus intemperantis-simas perpotationes praedicem? quis te illis diebus sobrium, quis agentem aliquid quod esset libero dignum, quis denique in publico vidi? cùm collegae tui domus cantu et cymbalis personaret; cùmque ipse nudus in convivio saltaret: in quo ne tum quidem, cùm illum suum saltatorium versaret orbem, fortunae rotam per-timescebat. Hic autem non tam concinnus heluo, nec tam musicus, jacebat in suo Graecorum foetore atque vino; quod quidem istius, in illis reipublicae luctibus, quasi aliquod Lapitharum aut Centaurorum convivium ferebatur: in quo nemo potest dicere, utrùm iste plus biberit, an vomuerit, an effuderit. Tu etiam mentionem facies consulatús tui? aut te fuisse Romae consulem dicere audebis? Quid! tu in lictoribus, in toga, et praetexta esse consulatum putas? quae ornamenta etiam in Sex. Cladio, te consule, esse voluisti. Hujus tu Clodiani canis insignibus consulatum declarari putas? Animo consulem esse oportet, consilio, fide, gravitate, vigilantiâ, curâ, toto denique munere consulatús, omni officio [tuendo, maximeque, id quod vis nominis praescribit, reip. consulendo.] Ego consulem esse putem, qui senatum esse in re-publica non putavit? et sine eo consilio consulem numerem, sine quo Romae ne reges quidem esse potuerunt? Etenim illa jam o-mitto: cùm servorum delectus haberetur in foro, arma in tem-plum Castoris luce et palam comportarentur: id autem tem-plum, sublato aditu, revulsis gradibus, à conjuratorum reliquiis, atque à Catilinae praevaricatore quondam, tum ultore, armis te-neretur: cùm equites Romani relegarentur, viri boni lapidibus è foro pellerentur; senatui non solum juvare rempublicam, sed ne lugere quidem liceret: cùm civis is, quem hic ordo, assentiente Italiâ, cunctisque gentibus, conservatorem patriae judicârat, nul-lo judicio, nullâ lege, nullo more, servitio atque armis pelleretur, non dicam auxilio vestro, quod verè licet dicere, sed certè silen-tio: tum Romae fuisse consules quisquam existimabit? Qui latro-nes igitur, si quidem vos consules; qui praedones, qui hostes, qui proditores, qui tyranni nominabuntur?

SECT. X. Why should I mention the feasting of those days, why your mirth and rejoicing, why your excessive drinking amidst the infamous tribe of your companions? Where is the man who ever saw you in your senses at that time? where is the man that saw you employed in any thing becoming a gentleman? where, in a word, the man who saw you appear in public? whilst the house of your colleague resounded in the mean time with songs and cymbals, whilst he himself danced naked amidst the entertainment, without being taught by the giddy dances he led up, to apprehend the giddiness of fortune. As for this fellow, who is not so elegant and musical a rioter as the other, he contented himself with wallowing in wine, and amidst the impurities of his Greeks; which entertainment of his, at a time of public sorrow, was said to resemble those of the Lapithae and the Centaurs; nor is it easy to say whether he drank, or vomited, or wasted a greater quantity of wine upon that occasion. And will you, notwithstanding this, make mention of your consulship? Will you have the impudence to say that you was a consul at Rome? What! do you imagine that the consulship consists in the lictors, in the gown, and the praetexta? ornaments which, when consul, you bestowed even upon Sextus Clodius. Do you think that the consulate is expressed by badges worn by Clodius's dog? One cannot be a consul without spirit, conduct, honour, gravity, vigilance, care; without discharging, in a word, every duty of his office, by defending, and, above all, by consulting the interest of the state, which is implied in the very name. Shall I look upon him as a consul, who did not think there was a senate in the republic? Can I figure to myself a consul, but in conjunction with that assembly, without which even kings could not reign at Rome? I shall not mention the levies of slaves that were made in the forum; the arms which were carried publicly, and in the face of day, into the temple of Castor; the obstructing of the entrance of that temple, the tearing away of the steps that led up to it, its being taken possession of by the remains of the conspirators in arms, and by him who had once been the sham-accuser of Catiline, but then his avenger. At a time when Roman knights were banished, when worthy citizens were stoned out of the forum, when the senate was not allowed, not only to assist their country, but even to mourn over it; when a citizen, who was declared the saviour of his country by this assembly, by the common voice of Italy, and of all nations, was expelled by slaves and open violence, I shall not say by your assistance, though I might consistently with truth, but certainly with your connivance, without any trial, without any law, without any precedent; will any one think there were consuls at Rome? If you are to be accounted consuls, who must be reckoned cut-throats, who robbers, who enemies, who traitors, who tyrants?

XI. Magnum nomen est, magna species, magna dignitas, magna majestas consulis; non capiunt angustiae pectoris tui, non recipit levitas ista, non egestas animi; non infirmitas ingenii sustinet, non insolentia rerum secundarum tantam personam, tam gravem, tam severam. (19) Seplasia, mehercule, ut dici audiebam, te, ut primū aspexit, Campanum consulem repudiavit. (20) Audierat Decios, Magios, et de Taurea illo Jubellio aliquid acceperat: in quibus si moderatio illa, quae in nostris solet esse consulibus, non fuit; at fuit pompa, fuit species, fuit incessus, saltem Seplasiā dignus et Capuā. Gabinium denique si vidissent duumvirum vestri illi unguentarii, citius agnovissent: erant illi compti capilli, et madentes cincinnorum fimbriae, et fluentes cerussataeque buccae, dignae Capuā, sed illa vetere; nam haec quidem, quae nunc est, splendidissimorum hominum, fortissimorum virorum, optimorum civium, mihiique amicissimorum multitudine redundant: quorum Capuae te praetextatum nemo aspexit, qui non gemeret desiderio mei: cuius consilio, cùm universam rempublicam, tum ilian ipsam urbem meminerant esse servatam: me inaurata statua donārant: me patronum unum adsciverant: à me se habere vitam, fortunas, liberos arbitrabantur: me et praesentem contra latrocinium tuum suis decretis legatisque defenderunt, et absensem, principe Cn. Pompeo referente, et de corpore reipub. tuorum scelerum tela revellente, revocārunt. An tu eras consul, cùm in Palatio mea domus ardebat, non casu aliquo, sed ignibus injectis, instigante te? Ecquod in hac urbe majus unquam incendium fuit, cui non consul subvenerit? At tu illo ipso tempore apud socrum tuam prope à meis aedibus, cuius domum ad meam exhauriendam patefeceras, sedebas, non extinxitor, sed auctor incendi; et ardentes faces furiis Clodianis penè ipse consul ministras.

XII. An verò reliquo tempore consulēm te quisquam duxit? quisquam tibi paruit? quisquam in curiam venienti assurrexit? quisquam consulenti respondendum putavit? numerandus est ille annus denique in republica, cùm obmutuisset senatus, judicia conticuissent, moercent boni, vis latrocinii vestri totā urbe volitaret, neque civis unus ex civitate, sed ipsa civitas tuo et Gabinii sceleri

NOTES.

(19) *Seplasia, mehercule, ut dici audiebam, te, ut primū aspexit, Campanum consulem repudiavit.*] Caesar, in his consulship, having sent a colony to Capua, gave the command of it to Pompey and Piso, with the title of Duumvirs. Piso, not content with this title, assumed that of consul: so that the sense of the passage is this: You no sooner made your ap-

pearance in Capua, than Seplasia, or the perfumers' street, conceived so mean an opinion of you, that they thought you unworthy even of the office of duumvir.

(20) *Audierat Decios, Magios, et de Taurea illo Jubellio aliquid acceperat.*] These are the names of illustrious Campanians, of whom we find honourable mention made by Livy.

SECT. XI. Great is the authority, great is the appearance, great the dignity, and great the majesty of a consul; but the narrowness of thy soul cannot admit these, the levity and meanness of thy spirit cannot receive them; nor can thy contracted capacity, and thy insolence in prosperity, sustain so important, so weighty, and so venerable a character. I have been told, I declare, that even the perfumers' street at Capua, rejected you for a Campanian consul the moment they saw you. They had heard a little of the Decii, of the Magii, and of Taureas Jubellius, who, though they were not possessed of that wisdom which our consuls generally have, had yet pomp, appearance, and a stately manner, which did honour at least to the perfumers' street, and to the city of Capua. It would, in short, have given greater pleasure to these sellers of perfumes, to have had Gabinius in quality of duumvir. His hair was dressed, his curled locks nicely perfumed, and his cheeks painted in a manner worthy of Capua: I mean of old Capua; for Capua, at present, abounds with the most illustrious men, the bravest heroes, the best citizens, all my very good friends. There was not a man of these who saw you at Capua, that did not lament the loss of me, by whose counsels they remembered that the whole state, and that very city in particular, had been preserved. To me they had raised a gilded statue; me they had taken as their sole protector; to me they reckoned themselves indebted for their lives, for their fortunes, and for their children. When I was present, they had defended me against thy robberies by their decrees and deputies; and when absent, they recalled me at the motion of Pompey, who tore the weapons of thy villany from the body of the republic. Was you consul when my house on the Palatium was on fire, not by accident, but by torches thrown into it at your instigation? Did ever a fire break out in Rome, and the consul not hasten to extinguish it? But you were sitting all the while near my house, at your mother-in-law's, whose doors you had thrown open to receive what was plundered from me: there you sat, not indeed to extinguish, but to increase the flames; and, consul as you was, in a manner supplied the furious instruments of Clodius with burning torches.

SECT. XII. During the remaining part of your year, did any man look upon you as consul? did any man obey you? did any senator rise up to salute you when you came into the senate? did any one give you his opinion when you asked it? In a word, is that year to be reckoned in the Roman annals, in which the senate was silent, the courts of justice shut up, every worthy man oppressed with affliction, the violence of thy robbery raging over the whole city; when not only one citizen left Rome, but the city itself gave way to your rage and wickedness, and to that of your

furorique cessisset? At ne tum quidem emersisti, lutulente Caesonine, ex miserrimis naturae tuae sordibus; (21) cùm experrecta tandem virtus clarissimi viri, celeriter et verum amicum, et optimè meritum civem, et suum pristinum morem requisivit: neque est ille vir passus, in ea republica, quam ipse decorârat atque auxerat, diutiùs vestrorum scelerum pestem morari: cùm tamen ille, qualiscunque est, qui est ab uno te improbitate victus, Gabinius, collegit ipse se vix, sed collegit tamen, et contra suum Clodium primùm simulatè, deinde non libenter, (22) ad extremum tamen pro Cn. Pompeio verè vehementerque pugnavit. Quo quidem in spectaculo mira populi Romani aequitas erat: uter eorum periisset, tanquam lanista, in ejusnodi pari, lucrum fieri putabat: immortalē verò quaestum, si uterque cecidisset. Sed ille tamen agebat aliquid: tuebatur auctoritatem summi viri: erat ipse sceleratus, erat gladiator: cum scelerato tamen, et cum pari gladiatore pugnabat. Tu scilicet homo religiosus et sanctus, foedus, quod meo sanguine in pactione provinciarum iceras, frangere noluisti; caverat enim sibi ille sororius adulter, ut, si tibi provinciam, si exercitum, si pecuniam eruptam ex reipublicae visceribus dedisset, omnium suorum scelerum socium te, adjutoremque praaberet; itaque in illo tumultu fracti fasces, ictus ipse: quotidie tela, lapides, fugae: deprehensus denique cum ferro ad senatum is, quem ad Cn. Pompeium interimendum collocatum fuisse constabat.

XIII. Et quis audivit non modò actionem aliquam, aut relationem, sed vocem omnino, aut querelam tuam? Consulem tum te fuisse putas, cuius in imperio, qui rempublicam, senatus auctoritatem servârat, idemque in Italia, qui omnes omnium gentium partes tribus triumphis devinxerat, is se in publico tutò statuit esse non posse? An tum eratis consules, cùm, quacunque de re verbum facere cooperatis, aut referre ad senatum, cunctus ordo reclamabat,

NOTES.

(21) *Cùm experrecta tandem virtus clarissimi viri.*] Pompey is here meant, whose engagements with Caesar obliged him to suffer Cicero to be driven into exile: to ingratiate himself, however, with the senate and people, and to correct the insolence of Clodius, he favoured his return. So insolent indeed was Clodius grown, upon his victory over Cicero, that even his friends could not bear him any longer; for having banished Cicero, and sent Cato out of his way, he began to fancy himself a match for Pompey; and, in open defiance of him,

seized by stratagem into his hands the son of King Tigranes, whom Pompey had brought with him from the East, and kept a prisoner at Rome; and, instead of delivering him up when Pompey demanded him, undertook, for a large sum of money, to give him his liberty and send him home. This affront, which Pompey could not digest, roused him to think of recalling Cicero.

(22) *Ad extremum tamen pro Cn. Pompeio verè vehementerque pugnavit.*] What Cicero refers to in this passage, was this: Rome was alarmed by the rumour

colleague? Yet even then, filthy Caesonian! thou didst not emerge from the vile sink of thy nature, when a most illustrious Roman at last rousing his courage, recalled his sincere friend, and a worthy patriot resumed his former spirit, and would not any longer suffer your wickedness to commit ravages in a state which he by his victories had adorned and enlarged; though at that time even Gabinius, whom you alone surpass in villany, bad as he is, recovered himself: it was with difficulty indeed, however, he recovered himself, and acted for Cn. Pompey, against his beloved Clodius, at first in appearance only, afterwards faintly, but at last honestly and vigorously. At the sight of this encounter, the Roman people shewed great moderation: for, like a master of gladiators, the match being equal, they considered themselves as sure of gaining by the fall of either; and if both should fall, their gain, they thought, would be immortal. Still, however, Gabinius did something; he defended the authority of a very great man: he was indeed himself an abandoned fellow, a gladiator; but he was matched with one who was equally so. But you, a person of scrupulous integrity, no doubt, would not break the league, which, in the convention for the provinces, you had sealed with my blood. For that incestuous adulterer, Clodius, had bargained for your support and assistance in all his wicked schemes, on the condition of his giving you a province, an army, and money torn from the bowels of the republic. Accordingly, in the tumult which ensued, his fasces were broke, himself wounded; nothing was to be seen daily, but arms, violence, and flight; at last one was seized in arms near the senate-house, and it appeared plainly he was posted there to murder Pompey.

SECT. XIII. Upon that occasion, who ever heard of any action or remonstrance of yours, nay, who ever heard you speak or complain? Do you suppose yourself to have been a consul, when, under your administration, the man who had saved the state, and the authority of the senate, could not be safe in Italy; nor he who, by three triumphs, had united all the nations of the earth under the Roman power, safe to appear in public? Were ye consuls at a time when, the very moment ye began to speak upon any affair, or to propose any thing to the senate, the whole assembly opposed

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of a plot against Pompey's life, said to be contrived by Clodius; one of whose slaves was seized at the door of the senate, with a dagger, which his master had given him, as he confessed, to stab Pompey. Many daring attacks too having been made on Pompey's person by Clodius's mob, he retired from the senate and the forum, till Clodius was out of his tribunate, and shut himself up in

his own house, whither he was still pursued, and actually besieged by Damio, one of Clodius's freed men. So audacious an outrage as this could not be overlooked by the magistrates, who came out with all their forces to seize or drive away Damio; upon which a general engagement ensued, and Gabinius was forced to break his league with Clodius, and fight for Pompey.

ostendebatque nihil esse vos acturos, nisi priùs de me retulissetis? cùm vos quanquam foedere obstricti tenebamini, tamen cupere vos diceretis, sed lege impediri? quae lex privatis hominibus esse lex non videbatur, inusta per servos, incisa per vim, imposta per latrocinium, sublato senatu, pulsis è foro bonis omnibus, captâ republicâ, contra omnes leges, nullo scripta more: hanc qui se metuere dicerent, consules, non dicam animi hominum, sed fasti ulli ferre possunt? Nam si illam legem non putabatis, quae erat contra omnes leges, indemnati civis, atque integri capitî, bonorumque tribunitia proscriptio: hâc tamen obstricti pactione tenebamini: quis vos non modò consules, sed liberos fuisse putet, quorum mens fuerit oppressa praemio, lingua adstricta mercede? Sin illam vos soli legem putabatis, quisquam vos consules tunc fuisse, aut nunc esse consulares putet, qui ejus civitatis, in qua in principium numero vultis esse, non leges, non instituta, non mores, non jura nôritis? An, (23) cùm proficiscebamini paludati in provincias vel emptas, vel erectas, consules vos quisquam putavit? Itaque credo, si minùs frequentiâ suâ vestrum egressum ornando, atque celebrando; at omnibus saltem bonis, ut consules, non tristissimis, ut hostes, aut proditores prosequerantur.

XIV. Tu-ne etiam immanissimum ac foedissimum monstrum, ausus es meum discessum illum, testem sceleris et crudelitatis tuac, maledicti et contumeliae loco ponere? Quo quidem tempore cepi, P. C. fructum immortalem vestri in me et amoris et judicii; qui non admurmuratione, sed voce et clamore, abjecti hominis et semivivi furorem petulantiamque fregistis. Tu luctum senatûs, tu desiderium equestris ordinis, tu squalorem Italiae, tu curiae taciturnitatem annuam, tu silentium perpetuum judiciorum ac fori, tu caetera illa in maledicti loco pones, quae meus discessus reipublicae vulnera inflxit? qui si calamitosissimus fuisset, tamen misericordiâ dignior, quam contumeliâ; et cum gloria potius esse conjunctus, quam cum probro putaretur: atque ille, dolor meus duntaxat, vestrum quidem scelus ac dedecus haberetur. Cùm verò (forsitan hoc, quod dicturus sum, mirabile auditu esse videatur; sed certè id dicam, quod sentio), cùm tantis à vobis, P. C. bene-

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(23) *Cum proficiscebamini paludati in provincias.*] It was usual for the Roman magistrates, before they set out for their provinces, to go and pay their devotions in the capital; after which they began

their march out of the city, habited in a rich paludamentum, which was a robe of purple or scarlet, interwoven with gold, and were generally accompanied with a vast retinue of all sexes and ages.

you, and declared that no business should be done till the question was put concerning my return? Were ye consuls, when ye said, though held fast by your convention, that you wished my return, but that you were bound up by law? Is it possible that men, nay that the public annals, can endure the consuls, who give out that they are afraid of a law, which did not seem to bind private persons? a law, with which slaves have branded the republic, which violence has engraved, which robbers have imposed, when the authority of the senate was abolished, when every worthy citizen was driven from the forum, when the state was in captivity; a law, in a word, in contradiction to every other law, and passed without any of the usual forms? For if you did not think that a law, which contradicted all laws, being only a tribunitian proscription of the person and estate of a free and uncondemned citizen, and yet were held fast by this convention; who can reckon you not only consuls, but even freemen, whose souls were enslaved by corruption, and your tongues tied up by lucre? But if you were the only persons that thought it a law, who can think that you were then consuls, or are now consular, when you are ignorant of the laws, the institutions, the manners, and rights of a state, where you want to be reckoned amongst its principal citizens? When you set out in your military robes for the provinces, which you had either bought or extorted, did any one consider you as consuls? and those who accompanied you to do you honour at your departure, though their number was but small, yet they attended you, no doubt, with good wishes as usual to consuls, and not with such imprecations as are bestowed on enemies and traitors.

SECT. XIV. And shalt thou, base and barbarous monster! dare to reproach me with thy departure, that proof of thy guilt and cruelty? Then it was, conscript fathers, that I received the immortal proofs of your love and regard for me, when you checked the fury and petulance of that abject half-dead wretch, not by murmurs, but loud acclamations. Dost thou reproach me with the grief of the senate, the sorrow of the equestrian order, the mourning of Italy; with the senators having thrown up all public concerns for the space of a whole year, with the continued silence of our courts and forum, and all the other wounds given the state by my departure? Allowing it to have been unfortunate, it was still more worthy of compassion than reproach, rather to be accounted glorious than infamous; and what was only an affliction to me, covered you with guilt and infamy. What I am going to say will perhaps appear somewhat strange, but I shall always speak what I think. Since then, conscript fathers, I have been so highly favoured and honoured by you, I am so far from look-

ficiis affectus sim, tantis honoribus; non modò illam calamitatem esse non duco; sed, si quid mihi potest à repub. esse sejunctum, quod vix potest, privatim ad meum nomen augendum, optandam duco mihi fuisse illam expetendamque fortunam. Atque, ut tuum laetissimum diem cum tristissimo meo conferam, utrùm tandem bono viro et sapienti optabilius putas, sic exire è patria, ut omnes sui cives salutem, incolumitatem, redditum precentur, quod mihi accedit: an, quod tibi proficiscenti evenit, ut omnes exsecrarentur, malè precarentur, unam tibi illam viam, et perpetuam esse vellent? Mihi, medius fidius, in tanto omnium mortaliū odio, justo praesertim et debito, quaevis fuga, potius quād ulla provincia esset optatior.

XV. Sed perge porro: nam si illud meum turbulentissimum tempus profectionis tuo tranquillissimo praestat, quid conferam reliqua, quae in te dedecoris plena fuerunt, in me dignitatis? Me kalendis Januar. (24) qui dies, post obitum occasumque nostrum, reipublicae primus illuxit, frequentissimus senatus, concursu Italiae, referente clarissimo atque fortissimo viro P. Lentulo, consenteiente populo Romano, atque unā voce revocavit; me idem senatus exteris nationibus, me legatis magistratibusque nostris auctoritate suā, consularibus literis, non, ut tu Insuber dicere ausus es, orbatum patriā, sed ut senatus illo ipso tempore appellavit, civem conservatorem reipublicae, commendavit; ad meam unius salutem senatus auxilium omnium civium cuncta ex Italia, qui rempub. salvam esse vellent, consulis voce et literis implorandum putavit; mei capitis servandi causā Romam uno tempore, quasi signo dato, Italia tota convenit; de mea salute P. Lentuli, praestantissimi viri, atque optimi consulis, Cn. Pompeii, clarissimi atque invictissimi civis, caeterorumque principum civitatis, celebrimae et gratissimae conciones fuerunt; de me senatus ita decrevit, Cn. Pompeo auctore et ejus sententiae principe, UT, SI QVIS IMPEDISSET REDITUM MEUM, IN HOSTIUM NUMERO PUTARETUR: iisque verbis ea de me senatūs auctoritas declarata est, ut nemini sit triumphus honorificentiū, quād mihi salus restitutioque perscripta. De me, cùm omnes magistratus promulgāssent, praeter unum praetorem, à quo non fuit postulandum, fratrem inimici mei, (25) praeterque duos de lapide emptos tribunos plebis, legem comitiis centuriatis tulit P. Lentulus consul de collegae Q. Metelli sententia: quem mecum eadem respublica, quae in tribunatu ejus disjunxerat, in consulatu, virtute optimi ac justissimi

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(24) *Qui dies, post obitum occasumque nostrum, reipublicae primus illuxit.*] Cicero, who embraces every opportunity of displaying his own importance, represents himself, in this passage, as a bright luminary of the state; which, during his exile, was involved in darkness.

(25) *Praeterque duos de lapide emptos tribunos plebis.*] These tribunes were, Sex. Atilius Serranus, and Num. Quintius: *de lapide emptos*, is said in allusion to the manner of selling slaves.

ing upon my departure as a calamity, that it seems to me to have been an event to be wished for, and greatly desired, for the increase of my personal glory, if indeed I can have any glory, as I scarce can, separate from that of the state. But to compare the day of my greatest sorrow with that of your greatest joy, which do you think a wise and good man would prefer; to leave his country as I did, with the prayers of all his countrymen for his safety, welfare and return; or, as happened to you upon setting out for your province, to have the curses and imprecations of all, and their wishes that that journey might be your last? By Jove, had I incurred such universal hatred, especially such just and deserved hatred, I should have preferred flight at any rate, to any province whatever.

SECT. XV. But, to proceed: If my departure, which was the most tempestuous period of my life, be preferable to your calmest days, what comparison will the rest admit of, so full of infamy to you, and of dignity to me? On the kalends of January, the first day that shone upon the state after my eclipse and fall, when all Italy flocked together, a full senate, with the assent of the Roman people, unanimously recalled me, upon a motion made by that renowned and brave citizen P. Lentulus. The same senate, by its own authority, recommended me, in consular letters, to foreign nations, to our lieutenants and magistrates; not as one banished from his country, as you, Insubrian, used to express yourself, but, to use their own language, as a citizen, and the saviour of the state. For my preservation alone, the senate thought proper, by the voice and letters of a consul, to implore the assistance of our fellow-citizens throughout all Italy, who were concerned for the public welfare. To save my life, all Italy flocked to Rome, at one and the same time, as if upon an appointed signal. For my safety, many and weighty were the harangues of P. Lentulus, that worthy man and excellent consul; of Cn. Pompey, that renowned and invincible Roman; and of the other leading men in the state. The senate decreed, upon a motion first made by Pompey, that whoever obstructed my return should be reckoned an enemy to the state; and in such words was the authority of the senate expressed in regard to me, that never was a triumph declared to any person in more honourable terms, than those wherein my safety and restoration were conceived. When all the magistrates had published the bill for my return, excepting one praetor, from whom it could not be expected, as he was brother to my enemy; and two tribunes of the people, who were bought at common auction; P. Lentulus, the consul, proposed the law in the comitia by centuries, with the consent of his colleague Q. Metellus, whom the interests of the state, which had set us at variance in his tribuneship, united with me in his con-

viri, sapientiâque, conjunxit. Quae lex quemadmodùm accepta sit, quid me attinet dicere? ex vobis audio, nemini civi ullam, quo minùs adesset, satis justam excusationem esse visam: nullis comitiis unquam, multitudinem hominum tantam, neque splendidiorem fuisse: hoc certò video, quod indicant tabulae publicae, vos rogatores, vos diribitores, vos custodes fuisse tabularum: et, quod in honoribus vestrorum propinquorum non facitis, vel aetatis excusatione, vel honoris, id in salute mea, nullo rogante, vos vestrâ sponte fecistis.

XVI. Confer nunc, Epicure noster, ex hara producte, non ex schola; confer, si audes, absentiam tuam cum mea. Obtinuisti provinciam consularem finibus iis, quos lex cupiditatis tuae, non quos lex generi tui pepigerat; (26) nam lege Caesaris justissimâ atque optimâ, populi liberi, planè et verè erant liberi: lege autem ea, quam nemo legem, praeter te et collegam tuum, putavit, omnis erat tibi Achaia, Thessalia, Athenae, cuncta Graecia addicta. Habebas exercitum tantum, quantum tibi non senatus, aut populus Romanus dederat, sed quantum tua libido conscriperat; aerarium exhauseras. Quas res gessisti in imperio, exercitu, provinciâ consulari? quas res gesserit, quaero? qui ut venit statim, nondum commemoror rapinas, nondum exactas pecunias, non captas, non imperatas, non neces sociorum, non caedem hospitum, non perfidiam, non immanitatem, non scelera praedico: mox, si videbitur, ut cum fure, ut cum sacrilego, ut cum sicario disputabo: nunc meam spoliatam fortunam conferam cum florente fortuna imperatoris. Quis unquam provinciam cum exercitu obtinuit, qui nullas ad senatum literas miserit? tantam verò provinciam cum tanto exercitu, Macedoniam praesertim, quam tantae barbarorum gentes attingunt, ut semper Macedonicis imperatoribus iidem fines provinciae fuerint, qui gladiorum atque pilorum: ex qua aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, qui non triumphârit? Est hoc novum: multò illud magis; appellatus est hic vulturius illius provinciae (si diis placet) imperator.

XVII. (27) Ne tum quidem, Paule noster, tabulas Romam cum laurea mittere audebas? misi, inquit: quis unquam recitavit? quis ut recitarentur, postulavit? nihil enim mea jam refert, utrum tu,

NOTES.

(26) *Nam lege Caesaris justissima atque optima, populi liberi, planè et verè erunt liberi.*] The law here referred to, was that made by Caesar in his consulship, in the year of Rome 694; whereby Achaia, Thessaly, and all Greece were left entirely free.

(27) *Ne tum quidem, Paule noster.*] L. Æmilius Paulus obtained a complete victory over Macedonia, in the year of Rome 585; and as Piso had Macedonia for his province, and conducted himself in it so ingloriously, Cicero, by way of derision, calls him Paulus.

sulship, by means of the courage and wisdom of that excellent person. In what manner this law was received, it is needless for me to mention. I learn from yourselves, that no citizen was allowed to be absent upon any pretence whatever; that a greater or more splendid appearance was never seen at any comitia. This I myself know, for I find it in the public registers, that you solicited for me, that you distributed the tablets, that you took care to prevent any fraud in collecting the votes; and that, for my safety, you did, of your own accord, without any solicitation, what your age and dignity exempt you from, even when your kinsmen are candidates for public honours.

SECT. XVI. Compare now, thou Epicurean! brought from the stye, not from the school: compare, if thou darest, thy absence with mine. You obtained a consular province, under such regulations as were prescribed by your ambition, not such as were fixed by your son-in-law; for by that just and excellent law of Caesar, free nations enjoyed their liberty in the strict and proper sense; but by that law, which none besides you and your colleague ever thought a law, all Achaia, Thessaly, Athens and Greece, were given up to you. You had an army, not such as the senate and people of Rome gave you, but such as your ambition could raise. The treasury too was exhausted by you.—What exploits did you perform in this command, with this army, with this consular province? Do I ask what exploits he performed? No sooner was he arrived—I shall not yet mention his rapines, the money he extorted, took, or exacted, the execution of our allies, the murder of those who entertained him, his perfidy, barbarity, and crimes; by and by, if you think proper, I shall dispute with him, as with a thief, as with one guilty of sacrilege, as with a cut-throat; at present I shall confine myself to compare the ruins of my fortune with the splendour of his imperial command. Who ever obtained the government of a province, with an army, that did not send letters to the senate? Such a province, too, and such an army, especially such a province as Macedon, which is surrounded with so many barbarous nations, that our Macedonian governors have never had any other barrier to it, but that of swords and javelins; a province, from which few persons of praetorian dignity have returned without a triumph; and none of consular dignity, whose honour was without a stain. This is something uncommon; but what is still more so, this vulture of Macedon had the title of emperor forsooth.

SECT. XVII. Did you, even then, my Paulus, presume to send letters to Rome, wrapt in laurel? He says he did. Who ever read them? who moved that they should be read? For it signifies no-

conscientiâ oppressus scelerum tuorum, nihil unquam ausus sis scribere ad eum ordinem, quem despexas, quem afflixeras, quem deleveras: an amici tui tabulas abdiderint, iidemque silentio suo temeritatem atque audaciam tuam condemnârint. Atque haud scio, an malim te videri nullo pudore fuisse in literis mittendis, [an] amicos tuos plus habuisse et pudoris et consilii, quâm aut te videri pudentiorem fuisse, quâm soles, aut tuum factum non esse condemnatum judicio amicorum. Quòd si non tuis nefariis in hunc ordinem contumeliis in perpetuum tibi curiam paeclusisses; quid tandem erat actum aut gestum in illa provincia, de quo ad senatum cuni gratulatione aliqua scribi abs te oporteret? vexatio Macedoniae? an oppidorum turpis amissio? an sociorum direptio? an agrorum depopulatio? (28) an munitio Thessalonicae? an obsessio militaris viae? an exercitus nostri interitus, ferro, fame, frigore, pestilentia? Tu verò, qui ad senatum nihil scripseris, ut in urbe nequior inventus es, quâm Gabinius, sic in provincia paullo tamen quâm ille demissior; nam ille gurges atque heluo, natus abdomini suo, non laudi atque gloriae, cùm equites Rom. in provincia, cùm publicanos nobiscum et voluntate et dignitate conjunctos, omnes fortunis, multos famâ vitâque privâset; cùm egisset aliud nihil illo exercitu, nisi ut urbes depopularetur, agros vastaret, exhaustaret domos; ausus est (quid enim ille non auderet?) à senatu supplicationem per literas postulare.

XVIII. O dii immortales! tu-ne etiam, atque adeo vos, geminae voragine scopolique reipublicae, vos meam fortunam deprimitis? vestram extollitis? cùm de me ea senatus consulta absente facta sint, eae conciones habitae, is motus fuerit municipiorum et coloniarum omnium, ea decreta publicanorum, ea collegiorum, ea denique generum ordinumque omnium, quae ego non modò optare nunquam auderem, sed cogitare non possem: vos autem semperiternas foedissimae turpitudinis notas subieritis. An ego, si te, et Gabinium cruci suffixos viderem, majore afficerer laetiâ ex corporis vestri laceratione, quâm afficiar ex famae? nullum est supplicium putandum, quo affici casu aliquo etiam boni viri fortesque possunt. Atque hoc quidem etiam isti tui dicunt voluptarii Graeci, quos utinam ita audires, ut erant audiendi; nunquam te in tot flagitia ingurgitâsses. Verum audis in praesepi-

NOTES.

(28) *An munitio Thessalonicae? an obsessio militaris viae?*] This is farther explained by our author in his oration *de Prov. Cons.* His words are as follow: "Macedonia quae erat antea munita plurimorum imperatorum non turribus, sed tropaeis; quae multis victoriis erat amdiu, triumphisque pacata; "sic a Barbaris, quibus est propter ava-

"ritiam pax erepta, vexatur, ut Theesas
"Ionicenses, positi in gremio imperii
"nostrî, relinquere oppidum, et arcen
"munire cogantur: ut via illa nostra,
"quae per Macedoniam est usque ad
"Helleponsum militaris, non solùm ex-
"cursionibus Barbarorum sit infesta, sed
"etiam castris Threiciis distincta, ac no-
"tata."

thing to me at present, whether, stung by a sense of your crimes, you never presumed to write to that body, which you had slighted, which you had persecuted, which you had abolished; or whether your friends concealed your letters, and thus by their silence condemned your rashness and impudence. And indeed I know not whether I had rather you should seem void of all sense of shame in sending letters, and that your friends should be persons of more modesty and judgment; or that you should seem more modest than usual, and your conduct be uncondemned by your friends. But supposing you had not, by your cruel outrages against the senate, cut yourself off for ever from all favour with it, what was done in that province upon which you could write to it with any manner of congratulation? Was it the harassing of Macedon? the shameful loss of towns? the plundering of our allies? the laying waste their lands? the fortifying Thessalonica? the blockade of our military causeway? the destruction of our army, by the sword, by famine, by cold, and by pestilence? Your writing nothing to the senate shews only, that as you was more wicked in Rome than Gabinius, you was somewhat more modest in your province than he. For that rioter, born for his belly only, and not for glory and honour, after having deprived the Roman knights in his province, and the farmers of the customs, united with us both in inclination and dignity, all of them of their fortunes, and some of them of their reputation and lives; after having done nothing with his army, but plundered cities, laid waste lands, and pillaged houses; had the impudence (and indeed what is it he has not the impudence to do?) to petition the senate, by letters, for a supplication.

SECT. XVIII. Immortal gods! and shalt thou, shall you, ye twin whirlpools and rocks of the state! decry my fortune, and extol your own? you who have borne the indelible marks of the foulest infamy, whilst such decrees of the senate were passed concerning me, even in my absence, such assemblies were held, such commotions happened among all our municipal cities and colonies, such resolutions were made by the farmers of the revenue, by the colleges, and, in a word, by all ranks and conditions of men, as I not only durst never have wished for, but could not even have conceived. Were I to see thee and thy colleague Gabinius fastened to a cross, would the sight of your mangled bodies give me greater pleasure than I feel from the loss of your reputation? Nothing is to be deemed a punishment, which, by some accident or other, may happen even to the brave and virtuous. And this is the doctrine even of your men of pleasure among the Greeks, whom I wish you had heard, as they ought to have been heard; you would never, in that case, have plunged into such an abyss of crimes. But you hear them in your stews;

bus, audis in stupris, audis in cibo et vino; sed dicunt ipsi, qui mala dolore, bona voluptate definiunt, sapientem, (29) etiam si in Phalaridis tauro inclusus succensis ignibus torreatur, dicturum tamen suave illud esse, seseque ne tantulum quidem commoveri: tantam virtutis esse vim voluerunt, ut non posset unquam esse vir bonus non beatus. Quae est igitur poena? quod supplicium? id, meā sententiā, quod accidere nemini potest, nisi nocenti: suscep- ta fraus, impedita et oppressa mens conscientiā, bonorum odium, nota justi senatus, amissio dignitatis.

XIX. Nec mihi ille (30) M. Regulus, quem Carthaginenses, resectis palpebris, illigatum in machina, vigilando necaverunt, supplicio videtur affectus: nec C. Marius, quem Italia servata ab illo, demersum in Minturnensium paludibus; Africa devicta ab eodem expulsum et naufragum vidi; fortunae enim ista tela sunt, non culpae: supplicium autem est poena peccati; neque verò ego, si unquam vobis mala precarer, quod saepe feci, in quo dii immortales meas preces audiverunt, morbum, aut mortem, aut cruciatum precarer. Thyestea ista exsecratio est poetae, vulgi animos, non sapientum, moventis: (31) UT TU NAUFRAGIO EXPUL- SUS, USPIAM SAXIS FIXUS ASPERIS, EVISCERATUS LATERE PENDE- RES [ut ait ille] SAXA SPARGENS TABO, SANIE ET SANGUINE ATRO. Non ferrem omnino molestè, si ita accidisset: sed id tamen esset humanum. (32) M. Marcellus, qui ter consul fuit, sunnā virtute, pietate, gloriā militari, perii in mari: qui tamen ob virtutem gloriā et laude vivit; in fortuna quadam est illa mors, non in

NOTES.

(29) *Eiam si in Phalaridis tauro inclusus succensis ignibus torreatur.*] Phalaris was a cruel tyrant of Agrigentum, famous for shutting up men in a brazen bull, and putting fire under it. This engine of cruelty was made by one Perillus, who thought it would be a welcome present to Phalaris; and is said to have been ordered by the tyrant to be first shut into it, in order to prove his own work.

(30) *M. Regulus, quem Carthaginenses, resectis palpebris, illigatum in machina, vigilando necaverunt.*] M. Attilius Regulus was consul in the ninth year of the first Punic war, and defeated the Carthaginians in the memorable sea-fight of Ecnomus; after which he made a descent upon Africa, and pushed on his conquests with prodigious rapidity. But Xantippus, a commander of Greek mercenaries in the service of the Carthaginians, by his excellent advice and conduct, gave a wonderful turn to affairs in Africa, totally defeated the Roman army, and took Regulus himself prisoner. The Carthaginians, however, being van-

quished in a sea-engagement, on the coast of Africa, and having received a signal overthrow at land near Panormus, began to think seriously of an accommodation, and sent Regulus to Rome with some ambassadors to negotiate a peace; having first taken an oath of him to return to Carthage, in case there should neither be peace nor an exchange of prisoners. Upon his arrival at Rome, he advised the senate to refuse the Carthaginian ambassadors both peace and an exchange of prisoners, for which, at his return into Africa, he was cruelly put to death. Authors, however, are not agreed concerning the particular kind of torment they made him undergo; the most current opinion is, that they cut off or sewed back his eye-lids, and then bringing him out of a dark dungeon, exposed him to the sun at mid-day; that after this they shut him up in a kind of chest or press, stuck full on the inside with iron spikes, and there left him to die in torment. This account of the cruel revenge which the Carthaginians took of Regulus after his return to Car-

you hear them amidst your debaucheries; you hear them in your feasts, and over your bottle: even those who define evil by pain, and good by pleasure, give out that a wise man, though he were shut up in the bull of Phalaris, and broiled with flames applied to it, would still declare that his condition was agreeable, and that he was not in the least moved: such, they allege, is the power of virtue, that it is impossible for a good man not to be happy. What then is pain? what is punishment? It is, in my opinion, what can happen to none but the guilty; premeditated villainy; the pangs and horrors of remorse; the hatred of all the virtuous; a mark of infamy inflicted by the senate; the loss of dignity.

SECT. XIX. To me, neither M. Regulus, whom the Carthaginians, after having cut off his eye-lids, and shut him up bound in a chest, killed by keeping him from sleep, seems to have suffered punishment; nor C. Marius, whom Italy, which he had saved, saw sunk in the marches of Minturne; and Africa, which he had subdued, saw banished and shipwrecked. For these are the blows of fortune, not the consequences of guilt; but punishment is suffering for crimes. Nor would I, were I to imprecate evils upon you, as I have often done, when the gods have heard me, pray for diseases, death or tortures. That imprecation of Thyestes is only an art of the poet, to move the minds of the vulgar, not those of the wise: *May you, after being shipwrecked, hang by your side, with your bowels dropping out, upon the flinty rocks, besmearing them with blood and gore.* Had such a thing happened to you, I should not have been concerned at it; but this is what may befall any man. M. Marcellus, who was thrice consul, and eminent for his virtue, piety, and abilities in war, perished on the sea; yet he still lives in the annals of fame, crowned with glory. Such a death is to be deemed an accident, not a penalty. What then is suffering? what is punishment? what are the pointed rocks? what is the cross? Behold two commanders in the pro-

NOTES.

thage, is found in many of the best Roman authors, and is not expressly contradicted by any ancient writer; notwithstanding this, Mr Hooke, in the second volume of his Roman history, adduces some reasons against the truth of it; which, he thinks, may excuse our incredulity, should we look upon it as a mere fiction.

(31) *Ut tu naufragio expulsus.*] This is a passage from the Thyestes of Ennius.

(32) *M. Marcellus, qui ter consul fuit.*] This was not the famous Marcellus, who

conquered Syracuse; but his grandson, who was shipwrecked in Africa, soon after the beginning of the third Punic war. Asconius gives us an anecdote concerning him, which we shall here transcribe: "Hic autem Marcellus, says he, cum statuas sibi ac patri, itemque avo posneret in monumentis avi sui ad honoris et virtutis aadem, subscriptis, III. Marcelli novics coss. Fuerat autem avus quinquies, pater semel, ipse ter. Itaque neque mentitus, et apud imperitiores patris sui splendorem auxit."

poena, putanda. Quae est igitur poena? quod supplicium? quae saxa? quae cruces? Ecce duos duces in provinciis populi Rom. habere exercitus, appellari imperatores; horum alterum sic fuisse infirmatum conscientiâ scelerum et fraudum suarum, ut ex ea provincia, quae fuerit ex omnibus una maximè triumphalis, nullas sit ad senatum literas mittere ausus; ex qua provincia modò vir omni dignitate ornatissimus, L. Torquatus, magnis rebus gestis, me referente, absens imperator est appellatus: unde his paucis annis Cn. Dolabellae, C. Curionis, M. Luculli, justissimos triumphos vidimus, ex ea, te imperatore, nuntius ad senatum allatus est nullus; ab altero allatae literae, recitatae, relatum ad senatum. Dii immortales! idne ego optarem, ut inimicus meus, ea, quâ nemo unquam, ignominia notaretur? ut senatus is, qui in eam jam benignitatis consuetudinem venit, ut eos, qui benè rempublicam gesserint, novis honoribus afficiat, et numero diierum, et genere verborum; hujus unius literis nuntiantibus non crederet? postulantibus denegaret?

XX. His ego rebus pascor, his delector, his perfruor: quòd de vobis hic ordo opinatur non secus, ac de tetterimis hostibus: quòd vos equites Rom. quòd caeteri ordines, quòd cuncta civitas odit: quòd nemo bonus, nemo denique civis est qui modò se civem esse meminerit, qui vos non oculis fugiat, auribus respuat, animo aspernetur, recordatione denique ipsâ consulatûs vestri perhorrescat. Haec ego semper de vobis expetivi, haec optavi, haec precatus sum; plura etiam acciderunt, quam vellem; nam, ut amitteretis exercitum, nunquam, mehercule, optavi. Illum etiam accidit praeter optatum meum, sed valdè ex voluntate; mihi enim non venerat in mentem, furorem et insaniam optare vobis, in quam incidistis: atqui fuit optandum; me tamen fugebat, deorum immortalium has esse in impios et consceleratos poenas certissimas constitutas. Nolite enim putare, P. C. ut in scena videtis, homines consceleratos impulsu deorum terrori furiarum taedis ardentibus: sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat; hae sunt impiorum furiae, hae flammæ, hae faces. Ego te non vecordem, non furiosum, non mente captum, (33) non tragico illo Oreste aut

NOTES.

(33) *Non tragico illo Oreste aut Athamaute dementiorem.*] Orestes was the son of Agamemnon and Clytemnestra. He is said to have killed his own mother, and Ægisthus her adulterer, who had murdered his father. Athamas was the

son of Æolus, and king of Thessaly: he had two children by his wife Nephele, after whose death he married Ino the daughter of Cadmus, who treated her step-children so ill, that Juno, to punish her, made her husband run mad.

vinces of the Roman people, at the head of armies, with the title of emperors; yet one of these was so struck with the sense of his guilt and crimes, that he did not even dare to send a letter to the senate, from a province too, of all others the most fertile in triumphs. It is but lately that L. Torquatus, a man of the most distinguished merit, was, at my instance, saluted emperor from this province, on account of his glorious actions; from it too, within these few years, we have seen the well-won triumphs of Cn. Dolabella, C. Curio, and M. Lucullus; and yet from this province, during your command in it, not so much as a messenger was sent to the senate. From Gabinius letters were brought: they were read too, and a motion made upon them in the senate. Immortal gods! could I even have wished my enemy to be marked with such infamy as none but himself ever suffered? That the senate, who are now got into such a habit of generosity as to bestow new honours on those who have conducted themselves well in the administration of public affairs, both by increasing the number of thanksgiving days, and by peculiar terms of respect; that the senate, I say, should not believe what was contained in the letters of this fellow alone? should deny what he requested in them?

SECT. XX. What gives me the greatest pleasure, delight and satisfaction is, that this order think no otherwise of you than they do of their most inveterate enemies; that you are hated by the Roman knights, by the other orders, and by the whole state: that there is not a worthy man, not a single citizen, provided he remembers he is such, whose eyes do not shun you, whose ears are not offended with the very mention of your name, whose soul does not abhor you, and who is not shocked even at the remembrance of your consulship. This is what I always wished might befall you, what I always desired, what I always prayed for. Nay, more has befallen you than I could have wished: for that you should lose your army, I certainly never wished: this happened too besides my wishes, though very agreeably to my inclination. For it did not enter into my thoughts to wish you should fall into that frenzy and madness into which you did fall; though this I should have wished for. But it had escaped me, that such is the punishment irrevocably ordained by the immortal gods against the impious and the guilty. For you must not imagine, conscript fathers, that the wicked, as you see in theatrical representations, are haunted by the blazing torches of furies, sent by the gods as instruments of their vengeance. Is this personal villainy, personal guilt, personal crimes and presumption, that rob men of the use of reason and soundness of judgment. These are the furies, these the flames, these the torches of the wicked. Am not I to look upon you as a madman, as a fury, as one that has

Athamante dementiorem putem, qui sis ausus primūm facere (nam id est caput), dcinde paullo antè, Torquato, gravissimo et sanctissimo viro prēmente, confiteri, te provinciam Macedoniam, in quam tantum exercitum transportāsses, sine ullo milite reliquisse? Mitto de amissa maxima parte exorcitūs; sit hoc infelicitatis tuae; dimittendi verò exercitūs quam potes afferre causam? quam potestātem habuisti? quam legem? quod senatusconsultum? quod jus? quod exemplum? quid est aliud furere, nisi non cognoscere homines, non cognoscere leges, non senatum, non civitatem? cruentare corpus suum leve est, major haec est vitae, famae, salutis suae vulneratio. Si familiam tuam dimisisses, quod ad neminem, nisi ad ipsum te, pertineret, amici te tui constringendum putarent: praesidium tu reipublicae, custodiam provinciae, iungussū populi senatūsque dimisisses, si tuae mentis compos fuisses?

XXI. Ecce tibi alter, effusâ jam maximâ praedâ, quam ex fortunis publicanorum, ex agris urbibusque sociorum exhauserat, cùm partim ejus praedae profundae libidines devorâssent, partim nova quaedam et inaudita luxuries, partim etiam in illis locis, ubi omnia diripiuit, emptiones, partim permutationes, ad hunc Tusculani montem ex truendum, cùm jam egeret, cùm illa ejus imensa et intolerabilis aedificatio constitisset; scipsum, fasces suos, exercitum populi Romani, numen interdictumque deorum immortalium, responsa sacerdotum, auctoritatem senatūs, jussa populi, nomen ac dignitatē imperii, (34) regi Ægyptio vendidit. Cum fines provinciae tantos haberet, quantos voluerat, quantos optaverat, quantos mei capitis pretio periculoque emerat; his se tenere non potuit; exercitum eduxit ex Syria. Qui licuit extra provinciam? tribuit se mercenarium comitem regi Alexandrino? quid hoc turpius? in Ægyptum venit: signa contulit cum Alexandrinis; quando hoc bellum, aut hic ordo, aut populus suscepserat? cepit Alexandriam; quid aliud exspectamus à furore ejus, nisi ut ad senatum tantis de rebus gestis literas mittat? Hic si mentis esset suae, nisi poenas patriae diisque immortalibus eas, quae gravissimae sunt, furore atque insaniâ penderet; ausus

NOTES.

(34) *Regi Ægyptio vendidit.*] Ptolemy, being driven out of his kingdom by his own subjects, on account of his tyrannical government, went to Rome to beg the assistance and protection of the senate. The Sibylline books were consulted upon the occasion, and these absolutely prohibited the Romans from restoring an Egyptian prince by force of arms. Gabinius, however, tempted by

Ptolemy's gold and the plunder of Egypt, and encouraged also, as some authors say, by Pompey himself, undertook to replace him on the throne with his Syrian army; which he executed with a high hand, and the destruction of all the king's enemies, in open defiance of the authority of the senate, and the direction of the Sibyl.

lost the use of his reason, as more frantic than Orestes or Athamas in the play, for having first dared (for that is the principal thing) to leave the province of Macedonia, into which you had transported so great an army, without a soldier to defend it, and then not long ago to confess this, when urged to it by Torquatus, a man of the greatest weight and integrity? I pass by your having lost the greatest part of your army; let that be deemed your misfortune: but what reason can you give for having dismissed it? what authority, what law, what decree of the senate, what right, what precedent can you allege for this? what else is madness, but being ignorant of men, being ignorant of laws, of the senate, of the constitution? To mangle one's own body, is an inconsiderable degree of madness, in comparison of this mangling of life, of reputation and safety. Were you to dismiss your family, which belongs to yourself alone, your friends would think you deserved to be put under confinement: and had you been in your senses, would you have dismissed the guards of the Roman people, the defence of the province, without the orders of the senate and people?

SECT. XXI. But what did your other self? After having squandered that immense plunder which he had drawn from the officers of the revenue, from the lands and cities of our allies; after part of that plunder had been absorbed in the abyss of his lusts, another part of it consumed by new and unheard of refinements in luxury, and part of it by the purchases and alterations which he made in those places where he pulled down every thing to raise this Tuscan mount; being now reduced to poverty, and a stop put to that enormous and insufferable fabric, he sold himself, the badges of his office, the army of the Roman people, the sacred prohibition of the immortal gods, the answer of their priests, the authority of the senate, the orders of the people, the renown and dignity of their empire, to the Egyptian king. Though the bounds of his province were enlarged according to his desires, according to his wishes, according to the price and danger at which he had set my head, yet could he not confine himself to these. He brought his army out of Syria. What right had he to bring them out of their own province? He enlisted himself under the king of Alexandria, as a mercenary attendant: what could be more infamous than this? He came into Egypt; he fought against the Alexandrians: when did either this order, or the people of Rome, undertake that war? He took Alexandria: what greater instance of madness can we expect he should be guilty of, unless it be this, that he should send letters to the senate with an account of his exploits? Had he been in his senses, had not his country and the immortal gods been avenged of him by the severest of all punish-

esset (mitto exire de provincia) educere exercitum, bellum suâ sponte gerere, in regnum injussu populi aut senatûs accedere? quae cùm plurimae leges veteres, tum (35) lex Cornelia majestatis, Julia de pecuniis repetundis planissimè vetant; sed haec omitto. Ille, si non acerrimè fureret, auderet, quam provinciam P. Lentulus, amicissimus huic ordini, cùm et auctoritate senatûs, et sorte haberet, interpositâ religione, sine ulla dubitatione deposuisset, eam sibi tum adsciscere; cùm, etiamsi religio non impediret, mos marorum tamen, et exempla, et gravissimae legum poenae vetarent?

XXII. Sed quoniam fortunarum contentionem facere coepimus, de reditu Gabinii omittamus: quem etsi sibi ipse praecidit, ego tamen, os ut videam hominis, exspecto. Tuum, si placet, redditum cum meo conferamus. Ac meus quidem is fuit, ut à Brundusio usque Romam agmen perpetuum totius Italiae viderem; neque enim regio fuit ulla, neque municipium, neque praefectura, aut colonia, ex qua non publicè ad me venerint gratulatum. Quid dicam adventus meos? quid effusiones hominum ex oppidis? quid concursum ex agris patrumfamilias cum conjugibus ac liberis? quid eos dies, qui, quasi deorum immortalium festi atque solemnes, sunt apud omnes adventu meo reddituque celebrati? Unus ille dies mihi quidem immortalitatis instar fuit, quo in patriam redii; cùm senatum egressum vidi, populumque Romanum universum; cùm mihi ipsa Roma propè convulsa sedibus suis ad complectendum conservatorem suum progredi visa est; quae me ita accepit, ut non modò omnium generum, aetatum, ordinum omnes viri ac mulieres, omnis fortunae ac loci; sed etiam moenia ipsa viderentur, et tecta urbis, ac templa laetari. Me consequentibus diebus in ea ipsa domo, quâ tu me expuleras, quam expilâras, quam incenderas, pontifices, consules, patres conscripti collocaverunt: mihique, quod ante me nemini, pecuniâ publicâ aedificandam domum censuerunt. Habis redditum meum; confer nunc vicissim tuum: quandoquidem, amisso exercitu, nihil incolume domum, praeter os illud pristinum tuum, retulisti; qui primùm, quâ venieris cum laureatis tuis lictoribus, quis scit? quos tum Maeandros, dum omnes solitudines persequeris, quae diverticula flexionesque quaesisti? quod te municipium vidit? quis amicus invita-

NOTES.

(35) *Lex Cornelia majestatis.*] This law, the author of which was L. Cornelius Sylla, made it treason to lead an army out of a province, or to engage in a war without special orders, or to endeavour the ingratiating one's self so with

the army as to make them ready to serve his particular interest; and assigned the punishment of *aquæ et ignis interdictio*, to all that should be convicted of any of these crimes.

ments, those of fury and madness, would he have dared, I do not say to leave his province, but to draw out his army, to carry on war of himself, to advance into a kingdom without orders from the senate or people? all which are forbid in the most express terms, by many ancient laws, as well as by the Cornelian law upon treason, and the Julian law upon extortion. But this I pass over. Had he not arrived at the height of madness, would he have dared to take to himself a province, which P. Lentulus, one of the best friends of this order, had, without any hesitation, quitted upon a principle of religion; though both the authority of the senate, and the lots had bestowed it upon him? a proceeding which, if it had not been contrary to religion, was yet forbid by the practice of our ancestors, by numerous examples in the state, and by the severest penalties of our laws.

SECT. XXII. But since we have begun to compare our fortunes, let us say nothing concerning the return of Gabinius; which, though he himself has cut off, yet such is the impudence of the man, that I expect he will return. Let me, if you please, compare your return with mine. Now, such was mine, that all the way from Brundusium to Rome, I beheld all Italy drawn out in one continued body; nor was there a country, a municipal town, a prefecture, a colony, which did not send a deputation to pay me their compliments. Need I mention my approaches? the crowds of people that came from the towns? the concourse of masters of families, with their wives and children from the country? and those days which, on my approach and return, were celebrated all over Italy, as if they had been the festivals and solemnities of the immortal gods? one day was worth an immortality to me, the day of my return to my country, when I saw the senate, and the whole Roman people come forth to meet me; when Rome herself seemed to spring forward from her foundations, to embrace her deliverer. For such was the manner in which she received me, that not only men and women of all ranks, ages, and conditions, of every fortune, and of every place, but even the very walls, the dwellings and temples of the city, seemed to wear the face of joy. In the following days, the priests, the consuls, the conscript fathers, put me in possession of that very house from which you had driven me, which you had plundered, which you had set fire to; and, what had never happened before, they decreed that my house should be rebuilt at the public charge. I have given you an account of my return: compare it now, in your turn, with your own; when, after having lost your army, you brought nothing home entire, but your brazen front, that old companion of yours. First of all, who knows which way you came with your laurelled lictors? what bye-ways, what windings and turnings did you pursue, in your search after every solitude?

vit? quis hospes adspexit? nonne tibi nox erat pro die? non solitudo pro frequentia? capona pro oppido? non ut redire ex Macedonia nobilis imperator, sed ut mortuus infamis referri videatur? Romam vero ipsam foedavit adventus tuus.

XXIII. O familiae, non dicam Calpurniae, sed Calventiae; neque hujus urbis, sed Placentini municipii; neque paterni generis, (36) sed braccatae cognationis dedecus! quemadmodum venisti? quis tibi, non dicam horum, aut civium caeterorum, sed tuorum legatorum obviā venit? mecum enim tum L. Flaccus, vir tuā legatione indignissimus, atque iis consiliis, (37) quibus mecum in consulatu meo conjunctus fuit, ad conservandam rem publicam dignior, mecum fuit tum, cum te quidēm non longe à porta cum lictoribus errantem visum esse narraret. Scio item virum fortē in primis, belli, ac rei militaris peritum, familiarem meum, Q. Marcium, quorum tu legatorum proelio imperator appellatus eras, cum non longè abfuisses, adventu isto tuo domi fuisse otiosum. Sed quid ego numero, qui tibi obviam non venerint? qui dico venisse paenē neminem, (38) ne de officiosissima quidem natione candidatorum, cum vulgo essent, et illo ipso, et multis antē diebus admoniti et rogati. Togulae lictoribus ad portam praestò fuerunt: quibus illi acceptis, sagula rejecerunt, et catervam imperatori suo novam praebuerunt; sic iste à tanto exercitu, tanta provincia, triennio post, Macedonicus imperator in urbem se intulit, ut nullius negotiatoris obscurissimi redditus unquam fuerit desertior; in quo me tamen, qui esset paratus ad se defendendum, reprehendit. Cum ego Coelimontanā portā introisse dixsem, sponsione mē, ni Esquilinā introisset, homo promptissimus lacescivit: quasi verò id aut ego scire debuerim, aut vestrum quisquam audierit; aut ad rem pertineat, quā tu portā introieris, modò ne triumphali: quae porta Macedonicis semper proconsulibus ante te patuit, tu inventus es, qui consulari imperio praeditus ex Macedonia non triumphares.

XXIV. At audistis, P. conscripti, philosophi vocem; negavit se triumphi cupidum unquam fuisse. O scelus! ô pestis! ô labes! cum extinguebas senatum, vendebas auctoritatem hujus ordinis,

NOTES.

(36) *Sed braccatae cognationis dedecus.*] Cicero here means the Gauls, from whom Piso was descended by the mother; part of whose dress was the *braccae*, a kind of trowsers.

(37) *Quibus mecum in consulatu meo conjunctus fuit.*] This L. Flaccus was praetor in Cicero's consulship, and performed no inconsiderable services to his country during Catiline's conspiracy; for which he received the thanks of the senate.

(38) *Ne de officiosissima quidem natione candidatorum.*] Those who stood candidates for public honours, generally declared their pretensions about a year before the election; all which time was spent in gaining and securing of friends. For this purpose, they used all the arts of popularity, making their circuits round the city very often; and, in their walks, taking the meanest persons by the hand, and talking to them in a familiar manner: whence Cicero here calls them *natio officiosissima*.

what corporation saw you? what friend invited you? what host regarded you? Did you not prefer the night to the day? being alone, to being in company? an inn to a city? So that you did not seem to return from Macedonia like a glorious commander, but to be brought back from it like a foul carcase. As for your arrival, it polluted Rome itself.

SECT. XXIII. Thou disgrace, not to the Calphurnian family, but even to the Calventian! not to this city, but to the corporation of Placentia! not to thy father's race, but to thy trowser'd alliance! In what manner didst thou come? was there one, I will not say of these, or our other citizens, but of thy own lieutenants, who came out to meet thee? For L. Flaccus, a man very unworthy of such a lieutenancy as yours, and more worthy of bearing a part in those measures for preserving the state, in which he was engaged with me during my consulate, was with me when somebody told us that you was seen not far from the gate, strolling about with your lictors. I knew too that my friend Q. Marcius, one of the bravest of men, well skilled in military affairs, one of those lieutenants whose courage in battle procured you the title of emperor, when you was not a great way from Rome, was at his own house doing nothing. But why should I reckon up those who did not come out to meet you? when scarce one of the officious tribe of candidates met you, though they were all publicly apprised and invited that very day, and several days before. There were short gowns ready for your lictors at the gate, which they exchanged for their cassocks, and by this means gave a new face to their general's train. Thus a governor of Macedonia, with such an army, and such a province, conveyed himself into the city, after three years, in such a manner that no pedlar had ever a more private return. And yet this modest gentleman, so well prepared for his defence, reproaches me on this head. After I had said that he entered by the Coelimontane gate, like a man of spirit, he offered to lay that he entered by the Esquiline; as if it had been either incumbent on me to know this, as if any of you had heard of it, or as if it had been of any consequence in the present affair, through what gate you entered, if it was not through the Triumphal; a gate which, before you, was always open to Macedonian proconsuls. You are the only person with consular authority, who, upon your return from Macedonia, have not been honoured with a triumph.

SECT. XXIV. But, conscript fathers, it was a philosopher you heard speak. He denies that he had ever any passion for a triumph. Thou execrable wretch, thou plague, thou foul reprobate of this state! while you was destroying the senate, exposing to

addicebas tribuno pleb. consulatum tuum, rempub. evertebas, prodebas caput et salutem meam una mercede provinciae: si triumphum non cupiebas, cuius tandem rei te cupiditate arsisse defendes? saepe enim vidi, qui et mihi, et caeteris cupidiores provinciae viderentur, triumphi nomine tegere atque velare cupiditatem suam; hoc modo D. Silanus consul in hoc ordine, hoc meus etiam collega dicebat; neque enim quisquam potest exercitum cupere, aperteque petere, ut non praetexat cupiditatem triumphi. Quòd si te senatus, si populus Romanus, aut non appetentem, aut etiam recusantem, bellum suspicere, exercitum ducere coëgisset; tamen erat angusti animi atque demissi, justi triumphi honorem atque dignitatem contemnere; nam, ut levitatis est, inanem aucupari rumorem, ut omnes umbras etiam falsae gloriae consecrari: sic levis est animi, lucem splendoremque fulgentis, justam gloriam, qui est fructus verae virtutis honestissimus, repudiare. Cùm verò, non modò non postulante atque cogente, sed invito atque oppresso senatu, non modò nullo populi Romani studio, sed nullo ferente suffragium libero, provincia tibi ista manupretium fuerit non eversae per te, sed perditae civitatis: cùmque omnium tuorum scelerum haec pactio extiterit, ut, si tu totam rempublicam nefariis latronibus tradidisses, Macedonia, tibi ob eam rem, quibus tu finibus velles, redderetur: cùm exhauriebas aerarium, cùm orbabas Italiam juventute, cùm mare vastissimum hieme transibas; si triumphum contemnebas, quae te, praedo amentissime, nisi praedae ac rapinarum cupiditas tam caeca rapiebat? Non est integrum Cn. Pompeio consilio jam uti tuo? erravit enim; non gustarat istam tuam philosophiam; ter jam homo stultus triumphavit. Crasse, pudet me tui: quid est quod confecto per te formidolosissimo bello, coronam illam lauream tibi tantoperè decerni volueris à senatu? P. Servili, Q. Metelle, C. Curio, P. Africane, cur non hunc audistis tam doctum hominem, tam eruditum, priùs quam in istum errorem induceremini? C. ipsi Pontino, necessario meo, jam non est integrum: religionibus enim susceptis impeditur. O stultos Camillos, Curios, Fabricios, Calatinos, Scipiones, Marcellos, Maximos! ô amentem Paulum! rusticum Marrium! (39) nullius consilii patres istorum amborum consulum, qui triumpharint!

XXV. Sed quoniam praeterita mutare non possumus, quid cessat hic homulus ex argilla et luto fictus, Epicureus, dare haec praeclara praecepta sapientiae clarissimo et summo imperatori,

NOTES.

(39) *Nullius consilii patres istorum amborum consuluni, qui triumpharint.*] This oration was made in the second consulship of Pompey and Crassus, both

whose fathers had obtained the honour of a triumph; Pompey's for his victory over the Picentes, Crassus's for that over the Spaniards.

sale the authority of this order, hiring out your consulate to a tribune of the people, subverting the state, betraying my life and safety, all for the sake of a province; if you did not aspire after a triumph, with what passion will you pretend that you was animat-ed? For I have often seen men, who appeared both to me and to others too fond of a province, cover and conceal their ambition with the specious name of a triumph. It was thus that D. Silanus, when consul, and my colleague too, used to talk in this assembly; and no person indeed can desire the command of an army, and openly solicit it, without making his desire of a triumph a colour for his ambition. Supposing the senate and people of Rome had obliged you to take the command of an army, without your desir-ing it, nay when you declined going to the war, it would still have discovered a narrow and abject spirit, to despise the honour and dignity of a just triumph. For as it is a proof of levity to hunt after empty applause, and to pursue every shadow of false glory; so it shews a mean spirit, that shuns bright renown, to refuse genuine glory, which is the noblest reward of real virtue. But when that province was bestowed upon you as the wages, not of having unhinged, but of having ruined the state, so far from being desired and obliged by the senate, that the senate was forced to give way to it; so far from being solicited by the Roman people, that not a free suffrage was given in your favour; when this was the stipulated reward of all your crimes, that if you would deliver the whole commonwealth into the hands of infamous robbers, you should have Macedonia adjudged to you, with whatever bounds you pleased to set to it; when you drained the treasury, stripped Italy of her youth, passed a great extent of sea in the winter time; if all this while you slighted a triumph, what blind passion, frantic ruffian! hurried you on, if it was not a passion for rapine and plunder? Cn. Pompeius is not now at liberty to follow your ad-vise; for he has erred. He had no relish for your philosophy; foolish man! he has already triumphed three times. Crassus, I blush for you; after having finished a most formidable war, what made you so very desirous of having a laurel crown decreed you by the senate? P. Servilius, Q. Metellus, C. Curio, P. Africanus, why did you not listen to this very knowing and learned gentle-man, before you suffered yourselves to be thus seduced? Even my friend, C. Pontinus, is now at liberty, having begun the reli-gious rites. Foolish Camilli, Curi, Fabricii, Calatini, Scipiones, Marcelli, Maximi! silly Paulus! stupid Marius! what ignorance it shewed in the fathers of both these our consuls to triumph!

SECT. XXV. But since we cannot alter what is past, why does not this Epicurean dwarf, this composition of loam and clay, give these fine precepts of philosophy to his son-in-law, that great and

genero suo? fertur ille vir, mihi crede, gloriā: flagrat, ardet cupiditate justi et magni triumphi; non didicit eadem ista, quae tu; mitte ad eum libellum; et si jam ipse corām congregdi poteris, meditare, quibus verbis incensam illius cupiditatē comprimas atque restinguas; valebis apud hominem volitanteū gloriae cupiditate, vir moderatus et constans, apud indoctum eruditus, apud generum sacer; dices enim, ut es homo facetus, ad persuadendum concinnus, perfectus, politus ē schola: quid est, Caesar, quod te supplicationes toties decretae, tot dierum, tantopere delectent? in quibus, homines errore ducuntur: quas dii negligunt; qui, ut noster ille divinus dixit Epicurus, neque propitiū cuiquam esse solent, neque irati. Non facies fidem scilicet, cùm haec disputabis: tibi enim et esse, et fuisse deos videbis iratos; vertes te ad alteram scholam: disseres de triumpho. Quid tandem habet iste currus? quid vineti ante currum duces? quid simulacra oppidorum? quid aurum? quid argentum? quid legati in equis et tribuni? quid clamor militum? quid tota illa pompa? inania sunt ista, mihi crede, delectamenta penè puerorum, captare plausus, vehi per urbem, conspici velle; quibus ex rebus, nihil est quod solidum tenere, nihil quod referre ad voluptatem corporis possit; quin tu me vides, qui ex qua provincia T. Flaminius, L. Paulus, Q. Metellus, T. Didius, innumerabiles alii, levi cupiditate cominoti triumpharunt, ex ea sic redii, ut ad portam Esquilineam, Macedonicam lauream conculcārim; ipse cum hominibus quindecim malè vestitis ad portam Coelimontanam sitiens peryenerim: quo in loco mihi libertus, praeclaro imperatori domum ex hac die biduo antē conduxerat: quae vacua si non fuisset, in campo Martio mihi tabernaculum collocāsem; nummus interea mihi, Caesar, neglectis ferculis triumphalibus, domi manet et manebit; (40) rationes ad aerarium retuli continuò, sicut tua lex jubebat: neque alia ulla in re legi tuae parui; quas rationes si cognōris, intelliges nemini plus quam mihi literas profuisse: ita enim sunt perscriptae scitē et literatē, ut scriba, ad aerarium qui eas retulit, perscriptis rationibus, secum ipse caput sinistrā manu perfrijcans commurmuratus sit. *Ratio*

NOTES.

(40) *Rationes ad aerarium retuli continuo, sicut tua lex jubebat.*] C. Julius Caesar made a law, A. U. 691, whereby governors, at the expiration of their office, were obliged to leave the scheme of

their accounts in two cities of their provinces, and, upon their arrival at Rome, to deliver in a copy of the said accounts at the public treasury.

renowned commander? Believe me, that gentleman is influenced by glory; he is heated, he is fired with the desire of a just and noble triumph. He has not received the same lessons that you have done. Send him your instructions in writing. But in the mean time, in case you should happen to meet with him, consider what words you must make use of, to stifle and extinguish the flames of his ambition. You who are a man of moderation and steadiness, will prevail over one carried about on the wings of ambition; his ignorance will give way to your learning, and the son-in-law will yield to his father. For, as you are a man of pleasantry, have a graceful manner of persuading, and are just come from the schools thoroughly accomplished and polite, you will say to him, Pray, Caesar, what makes you so highly delighted with thanksgivings, so often decreed, and for so many days? Mankind are certainly in an error as to this; these things are what the gods neglect: for they, as our divine Epicurus says, are neither favourable to, nor angry with any one. You'll never have it in your power to convince upon this head; for you shall see that the gods both have been, and are still angry with yourself. Accordingly you will pass from this to another topic, and talk of a triumph. Now, after all, what is there in that chariot? in those princes led before it in chains? in those representations of towns? What is there in that gold? in that silver? in those lieutenants and tribunes on horseback? in those shouts of the soldiers? what in all that pomp? Believe me, the whole is vanity; all that catching at the acclamations of the people, being carried in procession through the streets, and gazed at by the mob, are scarce amusements for school-boys: there is nothing solid in them, nothing that can contribute to the pleasure of the senses. T. Flamininus, L. Paullus, Q. Metellus, T. Didius, and a great many more, carried away by a silly ambition, triumphed upon their return from this province; but my return, you see, was of a very different kind. When I came to the Esquiline gate, I trod under foot the Macedonian laurel; with fifteen ragged attendants, I came, and very dry indeed I was, to the Calemontane gate, where one of my freedmen had hired a house for me, as renowned a commander as I was, only two days before; and if that house had not happened to be empty, I should have pitched my tent in the field of Mars. In the mean time, Caesar, despising all the pageantry of a triumph, I have and shall have money lying for me at home. I immediately gave in my accounts to the treasury, according to your law; and it was the only thing wherein I obeyed that law: which accounts if you look into, you will see that no person has profited more by arithmetic, than myself; for they are wrote in so nice and masterly a manner, that the clerk, who carried them to the treasury, after having registered them, scratching his head with his left hand, muttered

quidem hercle apparet, argentum ἀχιται.. Hac tu oratione, non dubito, quin illum jam ascendentem in currum possis revocare.

XXVI. O tenebrac, ô lutum, ô sordes, ô paterni generis oblite, materni vix memor ! ita nescio quid istuc fractum, humile, demissum, sordidum, inferius etiam est, quam ut Mediolanensi praecone, avo tuo, dignum esse videatur. L. Crassus homo sapientissimus nostrae civitatis, spiculis propè scrutatus est Alpes ; ut, ubi hostis non erat, ibi triumphi causam aliquam quaereret. (41) Eadem cupiditate vir summo ingenio praeditus, C. Cotta, nullo certo hoste, flagravit ; eorum neuter triumphavit, quod alteri illum honorem collega, alteri mors ademit. Irrisa est abs te paullò antè M. Pisonis cupiditas triumphandi, à qua te longè dixisti abhorre ; qui etiamsi minùs magnum bellum gesserat, ut abs te dictum est, tamen istum honorem contemnendum non putavit. Tu eruditior quam Piso, prudentior quam Cotta, abundantior consilio, ingenio, sapientia quam Crassus, ea contemnis, quae illi idiotae, ut tu appellas, praeclara duxerunt. Quod si reprehendis, quod cupidi laureae fuerint, cum bella aut parva, aut nulla gessissent ; tu, tantis nationibus subactis, tantis rebus gestis, minimè fructum laborum tuorum, praemia periculorum, virtutis insignia contemnere debuisti ; neque vero contempsisti, (42) licet sis Themistā sapientior, si os tuum ferreum senatus convicio verberari nolusti. Jam vides (quandoquidem ita mihi fui inimicus, ut me tecum compararem) et degressum meum, et absentiam, et redditum ita longè tuo praestitis, ut mihi illa omnia immortalem gloriam derint, tibi sempiternam turpitudinem influxerint. Nunc etiam in hac quotidiana, assidua, urbanaque vita splendorem tuum, gratiam, celebritatem domesticam, operam forensem, consilium, auxilium, auctoritatem, sententiam senatoriam nobis, aut, ut verius dicam, cuiquam es infimo ac desperatissimo antelaturus ?

XXVII. Age, senatus odit te, quod eum tu facere jure concedis, afflictorem et perditorem non modò dignitatis et auctoritatis, sed omnino ordinis ac nominis sui : videre equites Romani non possunt, quo ex ordine vir praestantissimus, L. Aelius est, te consule,

NOTES.

(41) *Eadem cupiditate vir summo ingenio praeditus, C. Cotta.*] Cicero makes frequent mention of this Cotta, in his dialogue *De Oratore*. We are told by Asconius, that after the senate had decreed him a triumph, he died the day before it was to be celebrated, of the breaking out of a wound which he had

received several years before.

(42) *Licet sis Themista sapientior.*] This Themista, according to Laertius, was the wife of one Leontes, and a very learned lady ; she was contemporary with Epicurus, and a great admirer of his philosophy.

to himself, *The account is here sure enough, but the cash is gone.* By this speech, I make no doubt, but you will be able to stop your son-in-law, even though he were mounting his car.

SECT. XXVI. Thou mean, filthy, dirty wretch, who hast forgot thy father's family, and scarce rememberest that of thy mother! There is something in thee, I know not what, so low, so abject, so worthless, so sordid, that thou art a reproach even to thy grand-father, who was a common crier at Milan. L. Crassus, a man of the greatest wisdom in our state, traversed almost every foot of the Alps with his javelins, that he might find some subject for a triumph in a place where he could meet with no enemy. The same passion fired C. Cotta, a man of the most distinguished abilities, though without any declared enemy to wage war with. Neither Cotta nor Crassus triumphed, the one being deprived of that honour by his colleague, the other by death. You laughed not long ago at M. Piso's passion for a triumph, a passion, you said, very different from what you was animated with: but although Piso carried on an inconsiderable war, as you have told us, yet he did not think that honour contemptible. You who have more learning than Piso, more understanding than Cotta, a greater share of abilities, wisdom, and genius, than Crassus, despise those things, which those idiots, as you call them, deemed glorious. But though you blame them for having been ambitious of laurels, when they had conducted either no wars at all, or very inconsiderable ones; yet you who have subdued such powerful nations, and performed such mighty exploits, ought not to have slighted the fruits of your toils, the rewards of your dangers, the badges of your valour: nor did you slight them indeed, though wiser than Themista; you was unwilling to have your brazen front battered with the reproaches of the senate. You see now, since I have been so far my own enemy as to compare myself with you, that my departure, my absence and return, so far surpassed yours, that I derived immortal glory from mine, and you lasting infamy from yours. And now, as to our daily and constant manner of living in town, will you take upon you to prefer your splendour, your interest, the number of your clients, your practice at the bar, your advice, your assistance, your authority, your weight in the senate, to mine; or, to speak more properly, to those of the meanest and most desperate man living?

SECT. XXVII. To begin then; the senate detest you, and justly, as you yourself allow, since you have not only subverted and destroyed its dignity and authority, but its very name and order. The Roman knights cannot bear the sight of you, since in your consulship, L. Aelius, the most illustrious man of that order,

relegatus: plebs Romana perditum cupit, in cuius tu infamiam ea quae per latrones et per servos de me egeras, contulisti: Italia cuncta exsecratur, cuius idem tu superbissimè decreta et preces repudiasti. Fac hujus odii tanti ac tam universi periculum, si andes. (43) Instant post hominum memoriam apparatissimi magnificentissimique ludi, quales non modò nunquam fuerunt, sed ne quomodo fieri quidem posthae possint, possum ullo pacto suspicari. Da te populo, committe ludis. Sibilum metuis? ubi sunt vestrae scholae? ne acclametur? ne id quidem est curare philosophi: manus tibi ne afferantur, times; dolor enim est malum, ut disputas: existimatio, dedecus, infamia, turpitudo, verba sunt atque ineptiae: sed de hoc non dubito; nam non audebit accedere ad ludos; convivium publicum non dignitatis causâ inibit (nisi fortè, ut cum P. Cludio, hoc est, cum amoribus suis coenet) sed planè animi sui causâ; ludos nobis idiotis relinquet; solet enim, in disputationibus suis, oculorum et aurium delectationi abdominis voluptates anteferre; nam quòd vobis iste tantummodo improbus, crudelis olim furunculus, nunc verò etiam rapax, quòd sordidus, quòd contumax, quòd superbus, quòd fallax, quòd perfidiosus, quòd impudens, quòd audax esse videatur: nihil scitote esse luxuriosius, nihil libidinosius, nihil protervius, nihil nequius. Luxuriam autem in isto nolite hanc cogitare; est enim quaerad, quanquam omnis est vitiosa atque turpis, tamen ingenuo ac libero dignior. Nihil apud hunc lautum, nihil elegans, nihil exquisitum, (laudabo inimicum) ne magnopere quidem quidquam, praeter libidines, sumptuosum; toteuma nullum: maximi calices; et hi, ne contemnere suos videatur, Placentini: extrecta mensa, non conchyliis, aut piscibus, sed multa carne subrancida; servi sordidati ministrant, nonnulli etiam senes: idem coquus, idem atricensis: pistor domi nullus, nulla cella: panis et vinum à propola, atque de cupa: Graeci stipati, (44) quini in lectulis, saepe plures: ipse solus: (45) bibitur usque èò, dum de solio mi-

NOTES.

(43) *Instant post hominum memoriam apparatissimi magnificentissimique ludi.*] The shews with which Pompey entertained the people at the dedication of that grand theatre, which he built at his own charge, for the use and ornament of the city, are here referred to. According to the accounts we have of them, by Roman authors, they were the most magnificent that had ever been exhibited in Rome. In the theatre were stage-plays, prizes of music, wrestling, and all kinds of bodily exercises: in the circus, horse-races, and hunttings of wild beasts, for five days successively, in which five hundred lions were killed, and on the last day twenty elephants; whose lamentable

howling, when mortally wounded, Pliny and Dio tell us raised such a commiseration in the multitude, from a vulgar notion of their great sense and love to man, that it destroyed the whole diversion of the shew, and drew curses on Pompey himself, for being the author of so much cruelty. So true it is, what Cicero, in his Offices, observes of this kind of prodigality, that there is no real dignity or lasting honour in it; that it satiates while it pleases, and is forgotten as soon as it is over.

(44) *Quini in lectulis, saepe plures.*] The usual number in a bed was three: sometimes indeed there were four, but this happened very seldom: so that what

was banished : the commons of Rome wish your utter ruin, for you made them fall under the infamy of what you did against me by means of slaves and robbers : all Italy curses you, for having, with the utmost arrogance, rejected their decrees and entreaties. Make trial, if you dare, of so great and universal a hatred. Very soon will be celebrated the most splendid and magnificent games in the memory of man, such as not only have never heretofore been exhibited, but such as, I firmly believe, never will hereafter. Shew yourself to the people ; trust yourself in the theatre. Are you afraid of being hissed ? what's become of your philosophy ? Do you fear being clapped ? that's below the regard of a philosopher, surely. You are afraid they should lay hands upon you ; for, according to your philosophy, pain is an evil ; as for reputation, shame, infamy, disgrace, they are only empty words : but I am confident he will not dare be present at the games. Nor will he make his appearance at the public entertainment, for the sake of the honour that attends it, unless perhaps he come to sup with P. Clodius, I mean, with his dear companions, but merely for his diversion. The games he will leave to us idiots ; for, in his disputations, he is wont to prefer the pleasures of the belly to whatever gratifies the eyes and ears. For whereas you formerly thought him only a knavish, cruel pickpocket, and now consider him as rapacious, sordid, obstinate, haughty, deceitful, perfidious, impudent and daring ; you must know, besides, that there is not a more luxurious, lustful, worthless, detestable being on earth. Do not imagine, however, that his luxury has any thing of elegance in it ; for though all luxury is base and dishonourable, yet there is a certain species of it more becoming a man of spirit and a gentleman. There is nothing splendid about him, nothing elegant, nothing fine ; and, let me commend my enemy, he is expensive in nothing but in his lusts. There is not a piece of chased plate in his house ; his dishes are of the largest size, and, that he may not seem to slight his countrymen, they are Placentine ware : his table is covered, not with délicate fishes of different kinds, but with plenty of salt stinking meat : the servants who wait upon him are all shabby fellows, and some of them old ones ; one person is both cook and porter : there is not a baker in his house, nor a cellar in it : his bread and his wine are bought from the chandler's shop and the tavern : his Greek guests are crowded together, five, sometimes more, in one of his little beds, while he has one wholly

NOTES.

is mentioned in this passage was reckoned extremely mean and inelegant.

(45) *Bibitur usque eo, dum de solio ministretur.*] It is not easy to ascertain the meaning of this passage, upon which the commentators are divided. Instead of

de solio, some are for reading *de dolis*. “ Bibitur tam diu,” says Erasmus, “ do-“ nec vinum defusum et vetustum non“ suppetat amplius, sed etiam vinum re-“ cens, doliare, ministretur.”

nistretur: (46) ubi galli cantum audivit, avum suum revixisse putat; mensam tolli jubet.

XXVIII. Dicet aliquis; unde tibi haec nota sunt? non, mehercule, contumeliae causâ describam quemquam, praesertim ingeniosum hominem, atque eruditum, cui generi esse ego iratus, ne, si cupiam, quidem possum. (47) Est quidem Graecus, qui cum isto vivit, homo, verè ut dicam (sic enim cognovi) humanus, sed tamdiu, quamdiu cum aliis est, aut ipse secum; is cum istum adolescentem jam tum cum hâc diis irata fronte vidisset, non fugit ejus amicitiam, cum esset praesertim appetitus: dedit se in consuetudinem, sic ut prorsùs unà viveret, nec ferè ab isto unquam discederet. Non apud indoctos, sed, ut ego arbitror, in hominum eruditissimorum et humanissimorum coetu loquor. Audistis profectò dici, (48) philosophos Epicureos, omnes res, quae sunt homini expetendae, voluptate metiri: rectè an secus, nihil ad nos; aut si ad nos, nihil ad hoc tempus; sed tamen lubricum genus orationis adolescenti non acriter intelligenti est saepe praeceps. Itaque admissarius iste, simulatque audivit à philosopho voluptatem tantopere laudari, nihil expiscatus est: sic suos sensus voluptarios omnes incitavit, sic ad illius hanc orationem adhinnuit, ut non magistrum virtutis, sed auctorem libidinis à se illum inventum arbitraretur. Graecus primò distinguere, atque dividere illa, quemadmodum dicerentur: iste claudus (quomodo aiunt) pilam retinere; quod acceperat testificari, tabulas obsignare velle, Epicurum disertum decernere; (49) et tamen dictum, ut opinor, se nullum bonum intelligere posse, demptis corporis voluptatibus. Quid multa? Graecus facilis, et valde venustus, nimis pugnax contra senatorem populi Romani esse noluit.

XXIX. Est autem hic, de quo loquor, non philosophiâ solùm, sed etiam literis, quod ferè caeteros Epicureos negligere dicunt, perpolitus. Poëma porro facit ita festivum, ita concinnum, ita elegans, nihil ut fieri possit argutius; in quo reprehendat eum licet, si qui volet, modò leviter, non ut impurum, non ut impro-

NOTES.

(46) *Ubi galli cantum audivit, avum suum revixisse putat.*] This is a pun upon the word Gallus; Piso's grandfather being a Gaul.

(47) *Est quidem Graecus, qui cum isto vivit.*] The name of this Greek was Philodemus, an Epicurean philosopher: he is mentioned by Cicero, in his second book *De Finibus*, as a man of great worth and learning.

(48) *Philosophos Epicureos, omnes res, quae sunt homini expetendae, voluptate metiri.*] The Epicureans held pleasure to be the chief end of man, and death the extinction of his being; so that they

placed their happiness in the secure enjoyment of a pleasureable life; esteeming virtue on no other account, than as it was a handmaid to pleasure, and helped to insure the possession of it, by preserving health and conciliating friends. Their wise man accordingly had no other duty, but to provide for his own ease, to decline all struggles, to retire from public affairs, and to imitate the life of their gods, by passing his days in a calm, contemplative, undisturbed repose, in the midst of rural shades and pleasant gardens.

o himself: they drink as long as he serves them from the upper couch; when he hears the cock crow, he thinks his grandfather has risen from the dead, and orders the table to be removed.

SECT. XXVIII. It will be asked, perhaps, how came you to know this? Why, truly, I will draw a character of no person for the sake of abuse, especially of a man of genius and learning: for such, were I ever so willing, I cannot hate. There lives with this wretch a certain Greek, who, to speak the truth, is an ingenious man, for I know him to be so; but he shews himself such only when with other people than him, or when by himself. This person happening to see Piso, when a young man, with that severity of aspect which he wore even then, did not decline his friendship, especially as Piso courted him, but ran into an intimacy with him in such a manner that they lived together, and were almost inseparable. I am not now speaking before illiterate persons, but before an assembly which I know to be composed of men of the greatest learning and politeness. The Epicurean philosophers, then, you must have heard, measure every thing which ought to be the object of human wishes, by pleasure; whether justly or not, does not concern us; or, if it does, is nothing to the present purpose: yet such a loose ambiguous way of talking is often very pernicious to young persons, who have not the nicest discernment. Accordingly, this stallion, as soon as he heard pleasure so highly commended by a philosopher, inquired no farther; but gave such a loose to every sensual appetite, and was so tickled with his manner of speaking, that he thought he had found in him, not a director of his morals, but an encourager of his lusts. Upon this the Greek began, by means of divisions and distinctions, to shew him in what sense these maxims were to be taken. But his lame pupil having once caught the ball, as we say, would not quit it; he took witnesses, and sealed up their depositions, that Epicurus expressly declared, there was no real good remaining, if bodily pleasures were taken away. In short, the good-natured, complaisant Greek would not be too obstinate against a Roman senator.

SECT. XXIX. But the person I am speaking of is not only an excellent philosopher, but has likewise a great deal of learning; which, in general, the Epicureans are said to neglect. He has wrote a poem, too, which is so pretty, so full of elegance and humour, that nothing can be more witty and ingenious. If any one

NOTES.

(49) *Et tamen dictum opinor.*] This passage is very obscure; and the commentators, though they have offered several conjectures and emendations in or-

der to clear it up, have left it as obscure as ever. We have nothing satisfactory to offer upon it, and must therefore leave our readers to make the best of it.

bum, non ut audacem, sed ut Graeculum, ut assentatorem, ut poëtam. Devenit, aut potius incidit in istum eodem deceptus supercilios Graecus atque advena, quo tam sapiens et tanta civitas; revocare se non poterat, familiaritate implicatus: et simul inconstantiae famam verebatur: rogatus, invitatus, coactus, ita multa ad istum, de isto quoque, scripsit, ut omnes hominis libidines, omnia supra, omnia coenarum conviviorumque genera, adulteria denique ejus delicatissimis versibus expresserit; in quibus si quis velit, possit istius, tanquam in speculo, vitam intueri: ex quibus multa à multis lecta et auditā recitarem, nisi vererer ne hoc ipsum genus orationis, quo nunc utor, ab hujus loci more abhorreret: et simul de ipso qui scripsit, detrahi nihil volo: qui, si fuisset in discipulo comparando meliore fortunā, fortasse austerior et gravior esse potuisset; sed eum casus in hanc consuetudinem scribendi induxit, philosopho valde indignam: siquidem philosophia, ut fertur, virtutis continet, et officii, et bene vivendi disciplinam: quam qui profitetur, gravissimam mihi sustinere personam videtur. Sed idem casus illum ignarum quid profiteretur, cùm se philosophum esse diceret, istius impurissimae atque intemperantissimae pecudis coeno et sordibus inquinavit: qui modò cùm res gestas consulatūs mei collaudasset (quae quidem laudatio hominis turpissimi mihi ipsi erat pene turpis,) non ulla tibi, inquit, invidia nocuit, sed versus tui. Nimis magna poena, te consule, constituta est, sive malo poëtae, sive libero. Scripsisti enim, CEDANT ARMA TOGAE. Quid tum? (50) Haec res tibi fluctus illos excitavit. At hoc nusquam opinor scriptum fuisse in illo elogio, quod, te consule, in sepulchro reipublicae incisum est, VELITIS, JUBEATIS, ut, quòd Marcus Cicero versum fecerit, sed quòd vindicarit.

XXX. Verumtamen, quoniam te (51) non Aristarchum, sed Phalarim grammaticum habemus, qui non notam apponas ad malum versum, sed poëtam armis persequare; scire cupio, quid tandem isto in versu reprehendas, CEDANT ARMA TOGAE. Tuae dicis, inquit, togae summum imperatorem esse cessurum. Quid nunc te, asine, literas doceam? non opus est verbis, sed fustibus; non dixi

NOTES.

(50) *Haec res tibi fluctus illos excitavit.*] Piso, upon his return to Rome from his province, trusting to the authority of his son-in-law, Caesar, had the hardiness to attack Cicero before the senate; and, among other things with which he upbraided him, told him, that a single verse of his was the cause of all his calamity, by provoking Pompey to make him feel how much the power of the general was superior to that of the orator. The absurdity of Piso's application of this verse, even orator ridicules with great humour.

(51) *Non Aristarchum, sed Phalarim grammaticum.*] Aristarchus was a celebrated grammarian and critic: he flourished at Alexandria about 176 years before Christ. It is reported of him, that he wrote above a thousand commentaries upon different authors; and that, when he did not like a verse of Homer, he marked it with an asterisk, as being spurious. Phalaris was a famous tyrant of Agrigentum.

has a mind to find fault with this poem, let him, provided he does it without severity; and treat the author, not as a filthy, wicked and presumptuous wretch; but as a Greekling, a flatterer, and a poet. As he was a Greek, and a stranger, he came into the hands of this fellow, or rather happened to fall into them; being imposed upon, as this powerful and wise state had been, by that air of severity. When once he was united to him in so strict an intimacy, he could not disengage himself; and, besides, he was afraid of being charged with inconstancy, if he should leave him. Being asked, invited, and forced to it, he wrote so much to him, and that on the subject of his wretched self, that he described, in charming verses, all his lusts, all his debaucheries, and, in a word, all his different kinds of suppers and entertainments. Those verses, if any one has a mind to read, he may see Piso's life represented in them, as it were in a mirror: I would repeat some of them, which have been read and heard by many, were I not afraid that the very strain, in which I am now speaking, was inconsistent with the majesty of this place. Besides, I would not detract in the least from the merits of the author, who, if he had been more fortunate in a pupil, would perhaps have been more grave and serious. But chance has led him into this manner of writing, so unworthy of a philosopher; for philosophy is said to comprehend in it the knowledge of virtue, social duty, and moral conduct; and whoever professes it, seems to me to sustain a very important character. Not knowing well what it was he professed, when he took upon him the character of a philosopher, chance, which led him to Piso, plunged him likewise into the mire and filth of that most impure and intemperate brute, who, after having praised my conduct in my consulship (if praise from so infamous a fellow is not rather infamy), said to me, *It is not envy that has hurt you, but your verses.* The punishment which was decreed under your consulship, was too severe either for a bad poet, or a free citizen. But you wrote—*Cedant arma togae.* And what if I did? Why, it was the cause of all your calamity. But it was not wrote, I think, in that epitaph which, under your consulship, was engraved upon the tomb of the republic, *Be it decreed and ordered, that, as M. Cicero has made verses; no, it was thus, as M. Cicero has brought to justice.*

SECT. XXX. But as we have in you not an Aristarchus, but a grammatical Phalaris, who, instead of expunging the verse, are for destroying the poet; I should be glad to know what fault you find with that verse, *Cedant arma togae.* Why this; you say that the greatest of our generals must give way to your gown. Thou ass! am I now to teach thee thy letters? Why, words won't do; you must have blows. I did not mean the gown I now wear, nor

hanc togam, quâ sum amictus; nec arma, scutum, et gladium unius imperatoris: sed, quòd pacis est insigne et otii, toga: contrà autem arma, tumultûs atque belli; more poëtarum locutus, hoc intelligi volui, **BELLUM AC TUMULTUM PACI ATQUE OTIO CONCESSURUM.** Quaere ex familiari tuo, Graeco illo poëtâ: probabit genus ipsum et agnoscat, neque te nihil sapere mirabitur. At in illo altero, inquit, haeres, **CONCEDAT LAUREA LAUDI.** Immo, mehercule, habeo tibi gratiam; haererem enim, nisi tu me expidisses; nam cùm tu timidus ac tremens tuis ipse furacissimi manibus detractam è cruentis fascibus lauream ad portam Esquillinam abjecisti; indicâsti non modò amplissimae, sed etiam minima laudi lauream concessisse. Atque istâ ratione hoc tamen intelligi, scelerate, vis, Pompeium inimicum mihi isto versu esse factum; ut, si versus mihi nocuerit, ab eo, quem is versus offendit, videatur mihi pernicies esse quaesita. Omitto, nihil istum versum pertinuisse ad illum: non fuisse meum, quem quantum potuissem, multis saepe orationibus scriptisque decorâsssem, humero violare versu. Sed sit offensus; primò non-ne compensabimur uno versiculo tot mea volumina laudum suarum? Quòd si est commotus, ad perniciem-ne, non dicam amicissimi, non ita de sua laude meriti, non ita de republica, non consularis, non senatoris, non civis, non liberi; in hominis caput ille tam crudeliter propter versum fuisset?

XXXI. Tu quid, tu apud quos, tu de quo dicas, intelligis complectaris amplissimos viros ad tuum et Gabinii scelus: neque id occultè; nam paullò antè dixisti, me cum iis configere, quod despicerem; non attingere eos, qui plus possent, quibus iratus esse deberem; quorum quidem (quis enim non intelligit quos dicas?) quanquam non est una causa omnium, tamen est omnium mihi probata. Me Cn. Pompeius, multis obstantibus ejus ergo me studio atque amori, semper dilexit, semper suâ conjunctione dignissimum judicavit, semper non modò incoluntem, sed etiam amplissimum atque ornatissimum voluit esse; vestrae fraudes vestrum scelus, (52) vestrae criminationes insidiarum mearum, illius periculorum, nefariè fictae, simul eorum, qui familiaritatis licentia suorum improbissimorum sermonum domicilium in auri bus ejus, impulsu vestro, collocaverunt, vestrae cupiditates prvinciarum effecerunt, ut ego excluderer, omnesque, qui me, qui

NOTES.

(52) *Vestrae criminationes insidiarum mearum.*] The Clodian faction, in order to deprive Cicero of so powerful a protection as that of Pompey, employed all

their arts to infuse jealousies and suspicions into him, of a design formed by Cicero against his life.

the arms, the shield or the sword of any particular general ; but as the gown is the emblem of peace and tranquillity, and the sword on the contrary that of war and tumult ; I spoke in the poetical style, and meant no more than this, that war and tumult must give way to peace and tranquillity. Ask your friend, the Greek poet ; he will approve of this manner of speaking, own it to be an usual one, nor will he be surprised at your ignorance. But, says he, you stick in the latter part of the verse, *Concedat laurea lauai*. Why truly, Sir, I am obliged to you ; here, I own, I should have stuck, if you had not helped me out. For when you, trembling, dastardly wretch ! with those most rapacious and thievish hands of yours, threw away, at the Esquiline gate, the laurel that was taken from your bloody fasces ; you declared that the laurel yielded, not only to the highest, but even to the lowest kind of honour. And yet, ruffian ! you would have this understood in such a manner, as if Pompey had become my enemy on account of that verse ; that if the verse has hurt me, my ruin may seem to have been brought upon me by the person it offended. Not to mention that Pompey was not pointed at in that verse, nor that I could ever intend to affront, by one verse, the person whom, to the utmost of my capacity, I had often celebrated in many writings and speeches, I shall suppose he was offended ; will he not, in the first place, put the many volumes I have wrote in his praise, in the balance with one silly verse ? Again, supposing him somewhat nettled, would he have been so cruel as, for the sake of a trifling verse, to ruin, I do not say an intimate friend, nor one who had done so much to advance his fame, nor one who had deserved so well of the state, nor one of consular dignity, nor a senator, nor a citizen, nor a gentleman, but even a man ?

SECT. XXXI. Do you know what, do you know before whom, do you know of whom, you are talking ? You make the most illustrious persons share in the guilt of your crimes, and those of Gabinius ; and you do it openly. You said but just now, that I vented my spleen against those whom I despised, and did not meddle with those who had more power, and with whom I ought to be offended. But though the views of these persons (for who can be supposed not to know whom you point at ?) are not indeed all the same, yet all their views are such as I approve of. Cn. Pompeius, though many opposed his zeal and affection for me, always loved me, always thought me very worthy of his intimacy, always studied not only my safety, but my grandeur and glory. Your knavish tricks, your villany, the reports of my plots and his dangers, so maliciously invented by you, and by those who, abusing their intimacy with him, were constantly, at your instigation, filling his ears with the most scandalous stories, your passion for provinces, made me be excluded ; and all those who

illius gloriam, qui rempublicam salvam esse cupiebant, sermone atque aditu prohiberentur. Quibus rebus est perfectum, ut illi planè suo stare judicio non licet: cùm certi homines non studium ejus à me alienâssent, sed auxilium retardâssent. Non-ne ad te L. Lentulus, qui tum erat praetor, non Q. Sanga, non L. Torquatus pater, non M. Lucullus venit? qui omnes ad eum, (53) multique mortales, oratum in Albanum obsecratumque venerant, ne meas fortunas desereret cum reipublicae salute conjunctas: quos ille ad te et ad tuum collegam remisit, ut causam publicam susciperetis, ut ad senatum referretis: se contra armatum tribunum pleb. sine consilio publico decertare nolle: consulibus ex S. C. rempublicam defendantibus, se arma sumpturum. Ecquid, infelix, recordaris, quid responderis? in quo illi omnes quidem, sed Torquatus praeter caeteros, furebat contumaciâ responsi tui; te non esse tam fortè quam ipse Torquatus in consulatu fuisset, aut ego: nihil opus esse armis, nihil contentione: me posse iterum rempub. servare, si cessissem: infinitam caudem fore, si restitissem: deinde ad extremum, neque te, neque generum, neque collegam tuum, tribuno plebis defuturum. Hic tu hostis ac proditor, aliis me inimiciorem, quam tibi, debere esse dicis?

XXXII. Ego C. Caesarem non eadem de republica sensisse, quae me, scio: sed tamen, quod jam de eo, his audientibus, saepe dixi, me ille sui totius consulatus, (54) eorumque honorum, quos cum proximis communicavit, socium esse voluit, detulit, invitavit, rogavit; non sum ego, propter nimiam fortassè constantiae cupiditatem, adductus ad causam: non postulabam ut ei carissimus essem, cuius ego ne beneficiis quidem sententiam meam tradidisse. Adducta res in certamen, te consule, putabatur, (55) utrum quae superiore anno ille gessisset, manerent, an rescinderentur. Quid loquar plura? si tantum ille in me esse uno roboris et virtutis putavit, ut ea, quae ipse gesserat, conciderent, si ego restitissem; cur ei non ignoscam, si anteposuit suam salutem meae? Sed

NOTES.

(53) *Multique mortales, oratum in Albanum obsecratumque venerant.*] The many letters and messages which Pompey received from the confidents of Clodius, and from his pretended friends, all admonishing him to be on his guard against the plots of Cicero, and to take better care of his life, induced him to withdraw himself from Rome to his Alban villa. We are not to imagine, however, that he entertained any apprehension of Cicero; the part he acted on this occasion, was more probably owing to his engagements with Caesar.

(54) *Eorumque honorum, quos cum*

proximis communicavit, socium esse voluit.] Caesar tried all means to induce Cicero to take part in the acts of his consulship; offered him commissions and lieutenancies, of what kind and with what privileges he should desire; and to hold him in the same rank of friendship with Pompey himself, as we are told more fully in the oration *De provinciis consularibus.*

(55) *Utrum quae superiore anno ille gessisset, manerent.*] Caesar had no sooner laid down his consulship, than he began to be attacked and affronted by L. Domitius and C. Memmius, two of the præ-

wished well to me, to his glory, and to the state, be removed from his conversation, and from all access to him. Whence it came to pass, that he was not at liberty to follow his own judgment, while certain persons, though they were not able to alienate his affections from me, robbed me of his assistance. Did not L. Lentulus, who was then praetor, did not Q. Sanga, did not L. Torquatus the elder, did not M. Lucullus come to you? When these, and many others, went to Pompey at his Alban seat, to beg and intreat him not to desert my fortunes, which were inseparably connected with the welfare of the state, he sent them back to you and your colleague, that you might undertake the public cause, and lay it before the senate: declaring that he would not take the field against an armed tribune of the people, without public authority; but that, if the consuls would, by a decree of the senate, undertake the defence of the state, he would take up arms. Do you remember, wretch! what answer you made? All those persons, but especially Torquatus, were provoked even to rage at the rudeness and insolence of it: you told them that you was not so stout a consul as Torquatus and I had been; that there was no occasion for arms, or fighting; that I might save the republic a second time, by withdrawing myself; that my resistance would occasion the loss of an infinite quantity of civil blood; and, in short, that neither you, nor your son-in-law, nor your colleague, would relinquish the party of the tribune. And hast thou yet the impudence, thou public enemy and traitor! to say that I ought to bear greater enmity to others than to thee?

SECT. XXXII. I know that C. Caesar's political sentiments and mine were different; but, notwithstanding this, as I have often said of him in this assembly, he desired, he proposed, he invited, he begged of me to share in his consulship, and in those honours which he communicated to his nearest relations. It was perhaps too great a desire of showing the steadiness of my principles, that kept me from joining his party; but I was not fond of entering into a strict intimacy with one whose favours could not even prevail upon me to think as he did. It was debated under your consulship, whether his acts of the preceding year should be confirmed or annulled. What need I say more? If he thought there was so much vigour and courage in me alone, that his acts would be abolished, if I had opposed them; why should I not pardon him for preferring his own safety to mine? But, to omit what is past; as Cn. Pompeius espoused my interest with all his

NOTES.

and made several efforts in the senate to get them annulled by public authority. But the whole ended in some fruitless de-

bates and altercations; for Caesar always took care, by force of bribes, to secure the leading magistrates to his interest.

praeterita omitto ; me ut Cn. Pompeius omnibus suis studiis, laboribus, vitae periculis complexus est, cùm municipia pro me adiret, Italiae fidem imploraret, P. Lentulo consuli, auctori salutis meae, frequens assideret, senatui sententiam praestaret, in concionibus non modò se defensorem salutis meae, sed etiam suppli-
cēt pro me profiteretur : hujus voluntatis eum, quem multum posse intelligebat, mihi non inimicum esse cognōrat, socium sibi et adjutorem C. Caesarem adjunxit. Jam vides, me tibi non inimicum, sed hostem : illis, quos describis, non modò non iratum, sed etiam amicum esse debere ? quorum alter, id quod meminero semper, aequē mihi fuit amicus ac sibi ; alter, id quod obliviscar aliquando, sibi amicior quam mihi. Deinde hoc ita fit, ut viri fortes, etiamsi ferro inter se cominus decertārint, tamen illud contentionis odium simul cum ipsa pugna armisque ponant. Atqui me ille odisse nunquam potuit, ne tum quidem cùm dissidebamus ; habet hoc virtus, quam tu ne de facie quidem nōsti, ut viros fortes species ejus et pulchritudo etiam in hoste posita delectet.

XXXIII. Evidem dicam ex animo, P. C. quod sentio, et quod, vobis audientibus, saepe jam dixi : si mihi nunquam amicus C. Caesar fuisset, sed semper iratus ; si aspernaretur amicitiam meam, seseque mihi implacabilem, inexpiablemque praeberet ; tamen ei, cùm tantas res gessisset, gereretque quotidie, non amicus esse non possem ; cuius ego imperio non Alpium vallum contra adscensum transgressionemque Gallorum, non Rheni fossam gurgitibus illis redundantem, Germanorum immanissimis gentibus objicio et oppono ; perfecit ille, ut si montes rese-
dissent, amnes exaruissent, non naturae præsidio, sed victoriā suā rebusque gestis Italiam munitam haberemus. Sed cùm me expetat, diligat, omni laude dignum putet ; tu me à tuis inimici-
tiis ad simultatem revocabis ? sic tuis sceleribus reipublicae præ-
terita fata refricabis ? quod quidem tu, qui bene nōsses conjunctio-
nem meam et Caesaris, eludebas, cùm à me trementibus omnino labris, sed tamen, cur tibi nomen non deferrem, requirebas. Quan-
quam, quod ad me attinet, (56) *nunquam istam imminuam curam inficiando tibi* : tamen est mihi considerandum, quantum illi, tan-
tis reipublicae negotiis, tantoque bello impedito, ego homo ami-
cissimus, solitudinis atque oneris imponam ; nec despero tamen, (57) quanquam languet juventus, nec perinde atque debeat in lau-

NOTES.

(56) *Nunquam istam imminuam curam inficiando tibi.*] This is a verse taken from the *Atreus* of the poet Accius : it is quoted by Cicero upon another occasion.

(57) *Quanquam languet juventus, nec perinde atque debeat in laudis et gloriae cupiditate versutur.*] It has been before observed, that the impeachment of cor-

rupt magistrates was always accounted honourable at Rome, and frequently undertaken by young gentlemen, in order to recommend themselves to the favour of the people, and thereby facilitate their advancement to the highest honours of the state.

zeal, with infinite labour, at the hazard of his life; as he went round the municipal towns in order to serve me, implored the assistance of all Italy, was frequently with P. Lentulus the consul who first proposed my return, was always ready to declare his sentiments upon the matter in the senate, and in assemblies not only professed himself my defender, but even a suppliant for me: knowing that Caesar had great interest, and was withal no enemy of mine, he made him his associate and assistant in all the services he did me. Do you see now that I had reason not only not to be offended with those persons you described, but to have a friendship for them: One of them, which I shall never forget, was as much my friend as his own; the other, which I shall forget in time, was more his own friend than mine. In a word, it was with us, as with brave men; who, though they fight hand to hand, yet, after the combat is over, lay aside their enmity when they lay aside their arms. But Caesar never could hate me, even when we were at variance. For such is the nature of virtue, the very shadow of which you are a stranger to, that the beauty of its appearance, even in an enemy, captivates the brave.

SECT. XXXIII. And indeed, conscript fathers, I will tell you my real sentiments, and what I have often already declared in your hearing. Though C. Caesar never had been my friend, but had always shown a disinclination to me; though he had slighted my friendship, and acted the part of an intolerable and implacable enemy towards me; yet after the great things he has done, and still continues to do, I could not help loving him. While he commands, we have no need of the rampart of the Alps to guard us against the inroads of the Gauls, nor of the ditch of the Rhine, so full of whirlpools, against those of the savage nations of Germany: were the mountains themselves levelled, and the rivers dried up, Italy, though deprived of all the barriers of nature, would, by his victories and exploits alone, be strongly fortified. But as he has the highest esteem and affection for me, and deems me worthy of all manner of honour: shall you draw me off from my quarrel with you, to a breach with him? Shall you thus, by your villainous arts, make the wounds of your country bleed afresh? Though you well knew my intimacy with Caesar, you affected not to know it, when you asked me, though with trembling lips, why I did not impeach you: As for my part, *I shall never rid you of that concern, by denying it to you:* I must consider, however, how much trouble and uneasiness I, who am so zealous a friend, should thereby give one who has so important a war upon his hands, and public concerns of such consequence to embarrass him. Yet I am not without hopes, notwithstanding the spiritless inactivity of our young Romans, and their want of due

dis et gloriae cupiditate versatur, futuros aliquos qui abjectum hoc cadaver consularibus spoliis nudare non nolint, praesertim tam afflito, tam infirmo, tam enervato reo: qui te ita gesseris, ut timeres ne indignus beneficio videreris, nisi ejus, à quo missus eras, simillimus exstittises.

XXXIV. An verò tu parum putas investigatas esse à nobis labes imperii tui, stragesque provinciae? quas quidem nos non vestigiis odorantes ingressus tuos, sed totis volutationibus corporis et cubilibus persecuti sumus. Notata à nobis sunt et prima illa scelera in adventu, cùm, acceptâ pecuniâ à Dyrrachinî ob necem hospitis tui Platoris, ejus ipsius domum evertisti, cujus sanguinem addixeras; eumque, servis symphoniacis et aliis munieribus acceptis, timentem, et multùm dubitantem confirmâsti, et Thessalonicam fide tuâ venire jussisti; (58) quem ne majorum quidem more supplicio affecisti, cùm miser ille securibus hospitis sui cervices subjecere gestiret: sed ei medico, quem tecum eduxeras, imperâsti, ut venas hominis incideret: cùm equidem tibi etiam accessio fuit ad necem Platoris, Pleuratus ejus comes, quem necâsti verberibus, summâ senectute confectum. Idemque tu Rabocentum, Bessicae gentis principem, cùm te trecentis talentis regi Cotto vendidisses, securi percussisti: cùm ille ad te legatus in castra venisset, et tibi magna praesidia et auxilia à Bessis peditum equitumque polliceretur: neque eum solùm, sed etiam caeteros legatos, qui simul venerant: quorum omnium capita regi Cotto vendidisti. Denseletis, quae natio semper obediens huic imperio, etiam in illa omnium Barbarorum defectione Macedonicâ C. Sentium praetorem tutata est, nefarium bellum et crudele intulisti: eisque cùm fidelissimis sociis uti posses, hostibus uti acerrimis maluisti. Ita perpetuos defensores Macedoniae, vexatores ac perditores effecisti? vectigalia nostra perturbârunt, urbes ceperunt, vastârunt agros, socios nostros in servitutem abduxerunt, familias abripuerunt, pecus abegerunt, Thessalonicenses; cùm oppido desprassent, munire arcem coegerunt.

XXXV. (59) A te Jovis Urii fanum antiquissimum Barbarorum sanctissimumque direptum est: tua scelera dii immortales

NOTES.

(58) *Quem ne majorum quidem more supplicio affecisti.*] The usual way of putting state criminals to death, was first by scourging them with rods, and then beheading them.

(59) *A te Jovis Urii fanum antiquissimum Barbarorum.*] This temple, we are told by Arrian, lay betwixt the Thracian Bosphorus and the city of Trebizond. The Jupiter Urius of the Greeks was

called by the Romans Jupiter Imperator, as we learn by the following passage in the fourth book against Verres. "Quid? " ex aede Liberi simulacrum Aristei non " tuo imperio palam ablatum est? Quid? " ex aede Jovis, religiosissimum simula- " crum Jovis imperatoris, quem Graeci " Urion nominant, pulcherrime factum, " nonne abstulisti?"

ardour in the pursuit of glory and fame, that there are some among them who will be disposed to strip this despicable carcase of the consular spoils; especially when the criminal is so dispirited, so feeble, so enervate a wretch as you, who have conducted yourself in such a manner as to show you was apprehensive of being thought unworthy of the favour conferred upon you, if you did not exactly copy after that worthy gentleman who sent you.

SECT. XXXIV. Do you imagine that I have slightly traced the stains of your government, and the ravages of your province? No; I have not gone upon the scent of them, but have closely pursued you through all your steps into your very lurking holes and wallowing places. The very first villanies you were guilty of upon your arrival, I marked; when, after having received a sum of money from the inhabitants of Dyrrachium for murdering Plator, the person who entertained you, you demolished the house of the man whose blood you had set to sale; whom, after receiving musical slaves and other presents from him, you encouraged, when under the most perplexing apprehensions, and ordered indeed to come to Thessalonica, giving him your promise as a pledge of his safety; whom you did not even put to death according to the custom of your ancestors, but when the poor wretch begged to yield his neck to the axes of his guest, ordered the physician whom you carried with you to open his veins. To the murder of Plator, you added that of his companion Pleuratus too, whom you scourged to death, though sinking into the grave with the weight of years. After selling yourself for three hundred talents, to king Cottus, you likewise beheaded Rabocentus, a principal person among the Bessians; though he came to your camp as an ambassador, with a promise of assistance, and a large body of auxiliaries both of horse and foot. You waged an unjust and cruel war against the Denseletae, a nation always obedient to our government; and which, even during that total defection of the Barbarians in Macedonia, defended C. Sentius the praetor; and when you might have made use of them as most faithful allies, you chose rather to have them inveterate enemies. Thus you rendered those who always defended Macedonia, the ravagers and destroyers of it. They have occasioned the utmost disorder in our revenues, taken our cities, laid waste our lands, reduced our allies to slavery, carried off their slaves, drove away their cattle, and obliged the inhabitants of Thessalonica, when they despaired of being able to defend the city any longer, to fortify themselves in the citadel.

SECT. XXXV. By you the temple of Jupiter Urius, was plundered; a temple, the most ancient and sacred among the Bar-

in nostros milites expiaverunt : qui cùm uno genere morbi affligerentur, neque se recreare quisquam posset, qui semel incidisset ; dubitabat nemo, quin violati hospites, legati necati, pacati atque socii nefario bello laccessiti, fana vexata, hanc tantam efficerent vastitatem. Cognoscis ex particulaparva, scelerum et crudelitatis tuae genus universum. Quid avaritia, quae criminibus infinitis implicata est, summam nunc explicem ? Generatim ea, quae maximè nota sunt, dicam ; nonne sestertiū centies et octogies, quod, quasi vasarii nomine, in venditione mei capititis adscriperas, ex aerario tibi attributum, Romae in quaestu reliquisti ? nonne cùm CC talenta tibi Apolloniatae Romae dedissent, ne pecunias creditas solverent, ultro Fufidium, equitem Romanum, hominem ornatissimum, creditorem, debitoribus suis addixisti ? nonne, hiberna cùm legato praefectoque tradidisses, evertisti miseras funditus civitates, quae non solum bonis sunt exhaustae, sed etiam nefarias libidinum contumelias turpitudinesque subierunt ? (60) Qui modus tibi fuit frumenti aestimandi ? qui honorarii ? si quidem potest vi et metu extortum honorarium nominari ; quod cùm peraequè omnes, tum acerbissimè Boeotii, et Byzantii, Chersonenses, Thessalonica sensit ; unus tu dominus, unus aestimator, unus vendor tota in provincia per triennium frumenti omnis fuisti.

XXXVI. Quid ego rerum capitalium quaestiones, reorum pacationes, redemptiones, acerbissimas damnationes, libidinosissimas liberationes proferam ? tantùm locum aliquem cùm mihi notum esse senseris, tecum ipse licebit, quot in eo genere et quanta sint crimina, recordere. Quid ? illam armorum officinam ecquid recordaris, cùm omni totius provinciae pecore compulso, pellium nomine, omnem quaestum illum domesticum paternumque renovasti ? videras enim grandis jam puer, bello Italico, repleri quaestu vestram domum, cùm pater armis faciendis tuus praefuisset : quid ? vectigalem provinciam, singulis rebus, quaecunque venirent, certo portorio imposito, servis tuis publicani à te factam esse membrasti ? Quid ? centuriatus palam venditos ? quid ? per tuum servulum ordines assignatos ? quid ? stipendum militibus per omnes

NOTES.

(60) *Qui modus tibi fuit frumenti aestimandi?* The Roman provinces were obliged to pay a certain quantity of corn, commonly the tenth part of their crop. This corn the Roman magistrates had a power of converting into money at a certain valuation, which was a source of grievous oppression in the provinces. Cicero, in his third book against Verres, tells us, that this conversion was at first designed for the ease of the farmers ; but that it was at last abused by avaricious governors. His words are as follows : " Haec aestimatio nata est,

" judices, initio, non ex praetorum aut consulum, sed ex aratorum atque civitatum commodo. Nemo enim fuit initio tam impudens, qui, cum frumentum deberetur, pecuniam posceret. Certe hoc ab aratore primum est profectum, aut alia civitate, cui imperabatur ; cum aut frumentum vendidisset, aut servare vellet, aut in eum locum, quo imperabatur, portare nollet : petivit in beneficii loco et gratiae, ut sibi pro frumento, quanti frumentum esset, dare licaret. Secuti sunt avariores magistratus — Instituerunt

barians. The immortal gods have avenged themselves for your crimes on the persons of our soldiers, who being all seized with the same kind of disease, and it proving fatal to every one whom it attacked, nobody questioned but that the violation of the laws of hospitality, the murder of ambassadors, the unjust wars against peaceful allies, the plundering of temples, have been the cause of so dreadful a desolation. By this small specimen of your villanies and cruelty, you discover the whole. Need I represent at large thy avarice, which is complicated with an infinite number of other crimes? I shall only mention, in general, those instances of it that are most notorious. Did you not leave at interest in Rome eighteen millions of sesterces, the sum at which you valued my head, and which was given you out of the treasury for domestic uses? When the people of Apollonia gave you two hundred talents at Rome, in order to be excused from paying their debts, did you not deliver up Fufidius, a Roman knight of the most distinguished accomplishments, into the hands of his debtors? When you sent your lieutenants with their troops into winter quarters, did you not utterly ruin those wretched cities into which they were sent, and which were not only stripped of their wealth, but obliged to undergo the most infamous outrages of brutal lust? What rule did you observe in the valuation of corn? what in the valuation of the free gift? if what is extorted by violence and threats can be properly called a free gift. This was what the inhabitants of most of the cities felt, but especially those people of Boeotia, Byzantium, Chersonesus, and Thessalonica. During the space of three years, you was the sole proprietor, the sole valuer, the sole retailer of corn throughout the province.

SECT. XXXVI. Need I mention your conduct in criminal trials, your bargains and compromises with the accused, your rigorous penalties, and your arbitrary acquittals? When I have once shewn you that I am no stranger to some parts of your conduct under those heads, you may then recollect how numerous and highly aggravated your crimes are upon the whole. To begin then—Do you remember any thing of that magazine of arms, when, having got together all the cattle of the province, you renewed all that profit which was made by your father and others of your family upon skins? For being a great boy in the Italian war, you saw your house filled with the profits of that trade, when your father had the direction of the manufacture of arms. Do you remember how you made a whole province tributary, by laying a certain tax upon all vendible commodities, and farming out that tax to your slaves? Do you remember how military commissions were exposed to open sale? how the offi-

NOTES.

" semper ad ultima ac difficultissima loca | " ut vecturae difficultate, ad quam vel-
" ad portandum frumentum imperare, | " lent aestimationem pervenirent."

annos à civitatibus, mensis palam propositis, esse numeratum? (61) Quid illa in Pontum profectio, et conatus tuus? quid debilitatio atque abjectio animi tui, Macedoniâ praetoriâ nuntiatâ, cùm tu non solùm quòd tibi succederetur, sed quòd Gabinio non succederetur, exsanguis et mortuus concidisti? quid quaestor aedilius rejectus? praepositus legatorum tuorum optimus abs te quisque violatus? tribuni militum non recepti? M. Baebius, vir fortis, interfectus jussu tuo? Quid, quòd tu toties diffidens ac desperans rebus tuis, in sordibus, lamentis, luctuque jacuisti? (62) quòd populari illi sacerdoti sexcentos ad bestias amicos sociosque misisti? Quid, quòd cùm sustentare vix posses moerorem tuum, doloremque decessionis, Samothraciam te prímùm, pòst inde Thasum cum tuis teneris saltatoribus, et cum Autobulo, Athamante et Timocle, formosis fratribus, contulisti? Quid, quòd cùm inde te recipiens, in villa Euchadiae, quae fuit uxor Exegisti, jacuisti, moerens aliquot dies; atque inde obsoletus Thessalonicam, omnibus inscientibus, noctuque venisti? qui cùm concursum plorantium, ac tempestatem querelarum ferre non posses, in oppidum devium Beroeam profugisti; quo in oppido cùm tibi spe falsâ, quòd Q. Ancharium non esse successurum putares, animos rumor inflâsset; quo te modo ad tuam intemperantiam, scelerate, innovâsti?

XXXVII. Mitto aurum coronarium, quod te diutissimè torsit; cùm modò velles, modò nolles; lex enim generi tui et decerni, et te accipere vetabat, nisi decreto triumpho; in quo tu, acceptâ tamen et devorâtâ pecuniâ, ut in Achaeorum centum talentis, evomere non poteras: vocabula tantùm pecuniarum, et genera mutabas. Mitto diplomata tota in provincia passim data: mitto numerum navium, summamque praedae: mitto rationem exacti imperatiue frumenti: mitto creptam libertatem populis, ac singulis, qui erant affecti praemiis nominatim: quorum nihil est; quod non sit lege Juliâ, ne fieri liceat, sancitum diligenter. Aetoliam, quae pro-

NOTES.

(61) *Quid illa in Pontum profectio, et conatus tuus.*] There is no mention made in history of what Cicero alleges in this passage. It is probable, however, that Piso's avarice prompted him to make an attempt upon Pontus, and that he was repulsed.

(62) *Quòd populari illi sacerdoti sexcentos ad bestias amicos sociosque misisti?*] Cicero here refers to the shews of wild beasts which Clodius exhibited when he was made curule aedile. He is called *sacerdos popularis*, in allusion to the story of his profaning the mysteries of the *Bona Dea*.

cers had their ranks assigned them by the meanest of your slaves? how the soldiers' pay was raised from the cities every year, offices being publicly erected for that purpose? What shall I say of your march to, and attempt upon Pontus? of the dastardly abject spirit you discovered, when, upon being told that Macedonia was declared a praetorian province, you dropped down pale and motionless, not only because you had got a successor, but because Gabinius had got none? of your rejecting a quaestor, who had served as aedile? of the first and ablest of your lieutenants being all wronged by you? of your rejecting the military tribunes appointed by the people? of your ordering that brave man, M. Baebius, to be put to death? What shall I say of your abandoning yourself so often to the most rueful despondency, to tears and lamentations, upon a view of the desperate situation of your affairs? what of your sending to that lay-priest six hundred of our friends and allies, to be exposed to wild beasts? Do you remember how you retired, when almost overwhelmed with sorrow and affliction at your removal, first to Samothrace, and from thence to Thasus, with your delicate dancers, and those beautiful brothers, Autobulus, Athamas, and Timocles? how, upon your leaving Thasus, you lay, for some days, in the utmost dejection, at the country-seat of Euchadia, the wife of Exegistus, from whence you stole, in a pitiful sorry manner, to Thessalonica, in the night, and without the knowledge of any body? how, upon your not being able to bear the tears of the crowds that flocked round you at Thessalonica, and the tempest of their complaints, you fled to Beroea, an out-of-the-way place; where, being elated with the report and imagination that Q. Ancharius was not to succeed you, you renewed, ruffian that you are! all your former outrages?

SECT. XXXVII. I mention not the money for the triumphal crown, which tormented you so long, while you had a mind at one time to take, and at another not to take it. For it was forbid by your son-in-law's statute, that such a crown should be either decreed or accepted, unless when a triumph was decreed. Notwithstanding this, having received and devoured the money, you was no more able to disgorge it, than you was to disgorge the hundred talents belonging to the Achaeans. You only alleged another pretence for taking it. I mention not the letters patent, that were sent all over the province; nor the ships that were sent out, and the amount of their prizes; nor the account of the corn that was exacted and demanded: I pass by your depriving nations of their liberty, together with individuals, though they were expressly entitled to privileges: all which acts of oppression were carefully provided against by the Julian law. At your departure, you curse,

cul à Barbaris disjuncta gentibus, in sinu pacis posita, medio ferè Graeciae gremio continetur, (ô poena, ô furia sociorum!) decedens miseram perdidisti. (63) Arsinoën, Stratum, Naupactum, ut modò tute indicasti, nobiles urbes atque plenas, fateris ab hostibus esse captas: quibus autem hostibus? nempè iis, (64) quos tu, Ambraciae sedens, primo tuo adventu (65) ex oppidis Agrinarum atque Dolopum demigrare, et aras et focos relinquere coëgisti. Hoc tu in exitu, praeclare imperator, cùm tibi ad pristinas clades accessio fuissest Aetoliae repentinus interitus, exercitum dimisisti: neque ullam poenam, quae tanto facinori deberetur, non maluisti subire, quam numerum tuorum militum reliquiasque cognoscere.

XXXVIII. Atque, ut duorum Epicureorum similitudinem in re militari imperioque videtis: Albucius, cùm in Sardinia triumphasset, Romae damnatus est; hic cùm similem exitum spectaret, in Macedonia tropaea posuit: eaque, quae bellicae laudis victoriae omnes gentes insignia et monumenta esse voluerunt, noster hic, praeposterus imperator, amissorum oppidorum, caesarum legionum, provinciae praesidio et reliquis militibus orbatae, ad semipiternum dedecus sui generis et nominis funesta indicia constituit; idemque, ut esset, quod in basi tropaeorum incidi inscribique posset, Dyrrhachium ut venit, decedens, obsessus est ab iis ipsis militibus, quos paullo antè Torquato respondit, beneficii causâ abs se esse dimisso; quibus cùm juratus affirmâasset, se, quae deberentur, postero die persoluturum, domum se abdidit: inde nocte intempestâ, crepidatus, veste servili, navem concendit, Brundusiumque vitavit, et ultimas Hadriani maris oras petivit: cùm interim Dyrrhachii milites domum, in qua istum esse arbitrabantur, obsidere coeperunt, et, cùm latere hominem putarent, ignes circumdederunt; quo metu commoti Dyrrhachini, profugisse noctu crepidatum imperatorem indicaverunt; illi autem statuam istius persimilem, quam stare celeberrimo in loco voluerat, ne suavissimi hominis memoria moreretur, deturbant, affligunt, comminuunt, dissipant; sic odium, quod in ipsum attulerant, id in ejus imaginem ac simulacrum profuderunt. Quae cùm ita sint, non dubito, quin, cùm haec, quae excellunt, me nôsse videas, non existimes, medium illam partem et turbam flagitorum tuorum mihi esse inauditam; nihil est, quod me hortere; nihil est, quod invites; admoneri me satis est; admon-

NOTES.

(63) *Arsinoën, Stratum, Naupactum.*] The first of these is a city of Aetolia, a small country in Achaia; the second of Acarnania in Thrace; the third, the capital of Aetolia, in Lepanto.

(64) *Quos tu, Ambraciae sedens.*] Ambracia was a famous city of Thesprotia in

Epirus, near the river Acheron. After Augustus had conquered M. Antony, in memory of his victory, he called this city Nicopolis.

(65) *Ex oppidis Agrinarum et Dolopum.*] The former of these inhabited Aetolia, the latter Epirus.

you plague of our allies! you ruined poor Aetolia, which is at a great distance from the barbarous nations, seated in the bosom of peace, and situated almost in the centre of Greece. You confess, by what you just now declared, that the rich and noble cities of Arsinoe, Stratum, and Naupactum, were taken by enemies. But by what enemies? why those whom, upon your first arrival, whilst you was amusing yourself at Ambracia, you forced to quit the towns of the Agreans and Dolopians, and to relinquish their altars and dwellings. Upon this, when you had added the sudden ruin of Aetolia to your former outrages, like a renowned general, you dismissed your army, and chose rather to undergo any punishment that was due to so shameful an action, than take an account of the remains of your troops.

SECT. XXXVIII. But to shew you the resemblance between two Epicureans in their military character: Albucius, after having triumphed in Sardinia, was condemned at Rome: Piso, whilst he expected the same fate, raised trophies in Macedonia; and thus, what other nations have designed as public memorials of warlike fame and success, this general of ours, to the eternal disgrace of his name and family, has raised to a quite contrary purpose, to serve as fatal monuments of cities lost, legions slaughtered, and provinces stripped of their troops, and all manner of defence: and that there might be something to be engraved upon the basis of his trophies, when he came to Dyrrachium, he was, at his departure, invested by those very soldiers whom he told Torquatus not long ago he had freely dismissed on account of their services. After having sworn to them that he would next day pay them all their arrears, he shut himself up at home; but at midnight he went on board a ship, with sandals on his feet, and, in the habit of a slave, kept clear of Brundusium, and steered for the remotest coast of the Adriatic. The soldiers at Dyrrachium, in the mean time, thinking he was still in the house, began to invest it; and, imagining that the fellow concealed himself, set fire to every quarter of it: the inhabitants of Dyrrachium being alarmed at this, assured them that their general had made his escape by night in his sandals. Upon this the soldiers threw down, broke to pieces, and scattered about a statue of his, which was very like him, and which he ordered to be raised in the most public place, that the memory of so agreeable a gentleman might not be lost; thus discharging upon his image and effigies, that hatred which they were fired with against himself. Having said thus much, therefore, I make no question but that, as you see I am no stranger to your flagrant enormities, you'll imagine I am acquainted with the whole detail and series of your crimes. You need not therefore exhort me; you need not solicit me: my being put in mind is sufficient. The time that

nebit autem nemo alias, nisi reipublicae tempus: quod mihi quidem magis videtur, quam tu unquam arbitratus es, appropinquare,

XXXIX. Ecquid vides, ecquid sentis, (66) lege judiciariâ latâ, quos posthac judices simus habituri? non aequè legetur, quisquis voluerit; nec, quisquis noluerit, non legetur; nulli conjicientur in illum ordinem, nulli eximentur; non ambitio ad gratiam, non iniqüitas ad simulationem conjicietur; judices judicabunt ii, quos lex ipsa, non quos hominum libido delegerit. Quod cùm ita sit, mihi crede, neminem invitum invitabis: res ipsa, et reipublicae tempus, aut me ipsum, quod nolim, aut alium quempiam, aut invitabit, aut dehortabitur. Evidem, ut paullo antè dixi, non eadem supplicia esse in hominibus existimo, quae fortasse plerique, damnationes, expulsiones, necesse: denique nullam mihi poenam videtur habere id, quod accidere innocentii, quod forti, quod sapienti, quod bono viro et civi potest. Damnatio ista, quae in te flagitatur, obtigit P. Rutilio: quod specimen habuit haec civitas innocentiae. Major mihi judicum, et reipublicae poena illa visa est, quam Rutilii, L. Opimius ejectus est patria, (67) is qui praetor et consul maximis rempubl. periculis liberârat: non in eo, cui facta est injuria, sed in iis qui fecerunt, sceleris ac conscientiae poena reniansit. At contrà bis Catilina absolutus: (68) emissus etiam ille auctor tuus provinciae, cùm stuprum Bonae Deae pulvinaribus intulisset; quis fuit in tanta civitate, qui illum incesto liberatum, non eos, qui ita judicârint, pari scelere adstrictos arbitraretur?

XL. An ego exspectem, dum de te quinque et septuaginta tabellae diribeantur, de quo jampridem omnes mortales omnium generum, aetatum, ordinum judicaverunt? quis enim te aditu, quis ullo honore, quis denique communi salutatione dignum putet? omnes memoriam consulatus tui, facta, mores, faciem deni-

NOTES.

(66) *Lege judiciariâ latâ.*] The law here referred to, was that promulgated by Pompey in his second consulship, in which this oration was made; whereby the judges were to be chosen otherwise than formerly, out of the richest in every century; confined, however, to the senatorian and equestrian orders, together with the *tribuni aerarii*, according to the Aurelian law.

(67) *Is qui praetor et consul maximis rempublicam periculis liberârat.*] In the year of Rome 628, the people of Fregellae, a town not far from the Liris, formed a plot to throw off the Roman yoke. L. Opimius, then praetor, was sent with an army against them; their city was delivered into his hands by the treachery of Numitorius, and he razed it to the

ground: by which piece of severity he is said to have deterred many other Italian towns from breaking out into rebellion, to which, provoked by their disappointment in relation to the freedom of Rome, they were strongly inclined. In his consulship, too, he had full power given him by the senate to do as he thought fit for the good of the state, in regard to the disturbances occasioned by C. Gracchus, which he put an end to, though not without the effusion of so much blood: and notwithstanding the praises our orator bestows upon him, it is certain he acted, on this occasion, a very cruel and violent part.

(68) *Emissus etiam ille auctor tuus provinciae, cùm stuprum Bonae Deae pulvinaribus intulisset.*] The pollution of the

suits the state, however, shall be my only direction in this; and that time appears to me to be nearer than you ever imagined.

SECT. XXXIX. Do you not see, do you not perceive, what judges we shall have for the future, according to the law concerning the qualifications of judges? It will not be in the power of every person to be chosen or not, as he pleases. No man will be obtruded upon that order, and none arbitrarily exempted: interest shall not be procured there by canvassing for it, nor guilt be covered by hypocrisy. Such judges alone shall be chosen, as the law, not the humours of men, shall make choice of. When this is the case, believe me, you shall have no occasion to provoke an impeachment: the thing itself, and the convenience of the state, shall invite or dissuade either myself, who have no mind to be engaged in it, or some other person. And to repeat what I have but lately said, I am far from thinking, with most men, that condemnation, banishment, and death, serve alike for punishment to all: in a word, I see no punishment in what may befall an innocent, a brave, a wise, a good man, or a worthy patriot. That condemnation which all desire to see you fall under, was the lot of Pub. Rutilius, who was looked upon by this state as a pattern of integrity; but, in my opinion, the judges and the republic were punished more than Rutilius. L. Opimius was driven from his country, who, in his praetorship and consulate, had delivered the state from the greatest dangers; but the penalty of guilt, and the pangs of remorse, did not fall upon him who received the injury, but upon those who inflicted it. Catiline, on the other hand, was twice acquitted; and even the wretch to whom you owe your province escaped, though he polluted the shrines of the BONA DEA. Was there a man in this great city who thought that this cleared him of his abominable impiety, or that his judges were not equally guilty?

SECT. XL. Am I to wait till seventy-five tablets are distributed in your cause, when men of all ranks, ages, and conditions, have long since pronounced you guilty? for where is the man that thinks you worthy of being visited, of receiving the smallest honour, or even a common salutation? The memory of your consulship, your actions, your character, in a word, your very looks

NOTES.

mysteries of the Bona Dea by Clodius, raised a general scandal through Rome, and was looked upon as a heinous offence to good manners, and the discipline of the republic. The honest of all ranks were for pushing this advantage against Clodius as far as it would go, in hopes thereby to rid themselves of so pestilent a citizen, who seemed born to raise dis-

turbances in the state. Accordingly a law was published for bringing him to a trial before the praetor, with a select bench of judges: but every art and instrument of corruption being employed by the Clodian party, twenty-five of the judges only condemned, while thirty-one absolved him.

que ac nomen à republica detestantur. Legati, qui unà fuere, alienati; tribuni militum inimici: centuriones, et si qui ex tanto exercitu reliqui milites existunt, non dimissi abs te, sed dissipati, te oderunt, tibi pestem exoptant, te execrantur. Achaia exhausta: Thessalia vexata: laceratae Athenae: Dyrrhachium et Apollonia exinanita: Ambracia direpta: Parthini et Bulienses illusi: Epirus excisa: Locri, Phocii, Boeotii exusti: (69) Acarnania, Amphirochia, Perrhaibia, Athamanumque gens, vendita: Macedonia condonata barbaris: Aetolia amissa: Dolopes finitimique montani oppidis atque agris exterminati: cives Rom. qui in iis locis negotiantur, te unum solum suum depeculatorem, vexatorem, prædonem, hostem, venisse senserunt. Ad horum omnium judicia tot atque tanta, domesticum judicium accessit sententiae damnationis tuae: occultus adventus, furtivum iter per Italiam, introitus in urbem desertus ab amicis, nullae ad senatum è provincia literae, nulla ex trinis aestivis gratulatio, nulla triumphi mentio: non modò, quid gesseris, sed ne quibus in locis quidem fueris, dicere audes. Ex illo fonte et seminario triumphorum cùm arida folia laureac retulisses, cùm ea abjecta ad portam reliquisti, tum tu ipse de te (70) FECISSE VIDERI pronuntiavisti; qui si nihil gesseras dignum honore, ubi exercitus? ubi sumptus? ubi imperium? ubi illa uberrima supplicationibus triumphisque provincia? sin autem aliquid sperare volueras, si cogitáras id, quòd imperatoris nomen, quòd laureati fasces, quòd illa tropaea, plena dedecoris et risus, te commentatum esse declarant: quis te miserior, quis te damnator, qui neque scribere ad senatum à te bene rempublicam esse gestam, neque præsens dicere ausus es?

XLI. An tu mihi (cui semper ita persuasum fuerit, non eventis, sed factis cujusque fortunam ponderari, neque in tabellis paucorum judicum, sed in sententiis omnium civium famam nostram fortunamque pendere) te indemnatum videri putas, quem socii, quem foederati, quem liberi populi, quem stipendiarii, quem negotiatori, quem publicani, quem universa civitas, quem legati, quem tribuni militares, quem reliqui milites, qui ferrum, qui famem,

NOTES.

(69) *Acarnania, Amphirochia, Perrhaibia, Athamanumque gens, vendita.*] Acarnania was a part of Epirus, now Carnia; Amphirochia was a small country bordering upon Acarnania; Perrhae-

bia was a town of Macedonia; the Athamanes were a people of Aetolia.

(70) *Fecisse videri.*] This is a form of words made use of by the judges when they condemned a criminal,

and name are abhorred by every body, and all men wished them banished from the commonwealth. The lieutenants who accompanied you, have no regard for you; the military tribunes are your foes; the centurions, and the soldiers that remain of your great army, if any do remain, who were not dismissed, but dispersed by you, hate and abhor you, and pray for plagues to fall upon you. Achaia utterly ruined by you, Thessaly ravaged, Athens torn to pieces, Dyrrachium and Apollonia destroyed, Ambracia pillaged, the Parthini and Bulienses abused, Epire demolished, the Locrians, Phocians, and Boeotians burnt out of their dwellings; Acarnania, Amphirochia, Perrhaibia, and the country of the Athamanians sold; Macedon given up to the barbarians; Aetolia lost; the Dolopians, and inhabitants of the neighbouring mountains, driven from their towns and lands; in a word, the Roman citizens, who trade in those places, are all sensible that in your single person they found a plunderer, an oppressor, a robber, and an enemy. To those so numerous and weighty testimonies against you, is added the testimony of your own conscience, which pronounces your condemnation: your secret approach, your clandestine journey through Italy, your not having a friend to attend you when you entered the city, your sending no letters to the senate from your province, no congratulations upon your three summer campaigns, no mention of a triumph; your not daring to give an account of your actions, nay, nor even of the place where you have been. When you brought back your withered laurels from that source and nursery of triumphs, when you threw these away at the gates of Rome, you then pronounced your own condemnation. If you did nothing deserving of honour, where is your army? where have you spent your money? what is become of your command? what of your province, so fertile in thanksgivings and triumphs? But if you entertained any hopes, if you had those thoughts, which it is evident you had, from that title of emperor, from those laurelled fasces, and those shameful ridiculous trophies, can any person be more miserable than you, can any person fall under greater condemnation, since you neither durst write to the senate that you had served your country, nor declare it in their presence?

SECT. XLI. Have you the impudence to tell me, who have always been of opinion that every man's fortune is to be weighed, not by events, but by actions; that our fame and glory does not depend upon the suffrages of a few judges, but upon the sentiments of all our fellow-citizens? Do you think that you appear to be uncondemned; you, whom our allies, whom our confederates, whom free nations, whom tributaries, whom traders, whom the officers of the revenue, whom the whole state, whom your lieutenants, whom the military tribunes, whom the remains of our army, that have

qui mortem effugerunt, omni cruciatu dignissimum putant? cui non apud senatum, non apud ullum ordinem, non apud equites Romanos, non in urbe, non in Italia, maximorum scelerum venia ulla ad ignoscendum dari possit? qui se ipsum oderit, qui metuat omnes, qui suam causam nemini committere audeat, qui se ipse condemnet? Nunquam ego sanguinem expetivi tuum: nunquam illud extreum, quod posset esse improbis et probis commune, supplicium legis ac judicii: sed abjectum, contemptum, despectum à caeteris, à te ipso desperatum et relictum, circumspectantem omnia, quidquid increpuisset pertimescentem, diffidentem tuis rebus, sine voce, sine libertate, sine auctoritate, sine ulla specie consulari, horrentem, trementem, adulantem omnes, videre te volui: vidi. Quare, si tibi evenerit, quod metuis, ne accidat; equidem non molestè feram: sin id tardius forte fiet, fruar tamen tuā indignitate: nec minus libenter metuentem videobo, ne reus fias, quam reum: nec minus laetabor, cùm te semper sordidum, quam si paullisper sordidatum viderem.

escaped from the sword, from famine, and from death, think highly worthy of the severest punishment? You, who can never be forgiven your enormous crimes, neither by the senate nor by the Roman knights, nor by any order of men in the state; neither in the city, nor in any part of Italy? You who hate yourself, who fear every body, who dare trust your cause to no person, and who stand condemned by your own judgment? I never thirsted for your blood, I never wished for that heaviest punishment which is inflicted by our laws, which the virtuous may be exposed to as well as the vicious; but I wished to see you abject, contemptible, despised by others, abandoned by yourself, given over to despair, alarmed at every thing, frightened at the least noise, distrustful of your circumstances, without a voice, without liberty, without authority, without the least shadow of consular dignity, ever fearful, ever trembling, and the servile flatterer of all you meet; this I wished to see, and this I have seen. If what you dread, therefore, should befall you, I should not indeed be sorry at it; but if that should be a slow event, I shall still enjoy your infamy: nor will it give me less pleasure to see you dreading an impeachment, than if I saw you impeached; nor less joy to see you always despicable, than to see you in a sordid habit only for a while.

ORATIO XII.

*PRO T. ANNIO MILONE.**

I. ETSI vereor, judices, ne turpe sit, pro fortissimo viro dicere incipientem, timere; minimèque deceat, cum T. Annus [Milo] ipse magis de reipublicae salute, quām de sua perturbetur, me ad ejus causam parem animi magnitudinem afferre non posse; (1) tamen haec novi judicij nova forma terret oculos: qui quounque inciderint, veterem consuetudinem fori, et pristinum morem judiciorum requirunt: non enim coronā consessus vester cinctus est, ut solebat: non usitatā frequentiā stipati sumus; nam illa praesidia, quae pro templis omnibus cernitis, etsi contra vim collocata sunt,

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* This beautiful oration was made in the 55th year of Cicero's age, upon the following occasion.—In the year of Rome 701, T. Annus Milo, Q. Metellus Scipio, and P. Plautius Hypsaeus, stood candidates for the consulship; and, according to Plutarch, pushed on their several interests with such open violence and bribery, as if it had been to be carried only by money or arms. P. Clodius, Milo's professed enemy, stood at the same time for the praetorship, and used all his interest to disappoint Milo, by whose obtaining the consulship he was sure to be controlled in the exercise of his magistracy. The senate, and the better sort, were generally in Milo's interest; and Cicero, in particular, served him with distinguished zeal. Three of the tribunes were violent against him, the other seven were his fast friends: above all, M. Coelius, who, out of regard to Cicero, was very active in his service. But whilst matters were proceeding in a very favourable train for him, and nothing seemed wanting to crown his success, but to bring on the election, which his adversaries, for that reason, endeavoured

to keep back; all his hopes and fortunes were blasted at once by an unhappy encounter with Clodius, in which Clodius was killed by his servants, and by his command. His body was left in the Appian road, where it fell; but was taken up soon after by Tedius, a senator, who happened to come by, and brought it to Rome; where it was exposed, all covered with blood and wounds, to the view of the populace, who flocked about it in crowds to lament the miserable fate of their leader. The next day, Sextus Clodius, a kinsman of the deceased, and one of his chief incendiaries, together with the three tribunes, Milo's enemies, employed all the arts of party and faction to inflame the mob, which they did to such a height of fury, that, snatching up the body, they ran away with it into the senate-house, and tearing up the benches, tables, and every thing combustible, dressed up a funeral pile upon the spot; and, together with the body, burnt the house itself, with a *basilica* or public hall adjoining. Several other outrages were committed; so that the senate were obliged to pass a decree, that the inter-

ORATION XII.

FOR T. ANNIUS MILO.

SECT. I. THOUGH I am apprehensive, my lords, it may seem a reflection on a person's character to discover any signs of fear, when he is entering on the defence of so brave a man, and particularly unbecoming in me, that when T. Annus Milo himself is more concerned for the safety of the state than his own, I should not be able to maintain an equal greatness of mind in pleading his cause; yet I must own, the unusual manner in which this new kind of trial is conducted, strikes me with a kind of terror, while I am looking around me, in vain, for the ancient usages of the forum, and the forms that have been hitherto observed in our courts of judicature. Your bench is not surrounded with the usual

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rex, assisted by the tribunes and Pompey, should take care that the republic received no detriment; and that Pompey, in particular, should raise a body of troops for the common security; which he presently drew together from all parts of Italy. Amidst this confusion, the rumour of a dictator being industriously spread, and alarming the senate, they resolved presently to create Pompey the single consul, whose election was accordingly declared by the inter-rex, after an interregnum of near two months. Pompey applied himself immediately to quiet the public disorders, and published several new laws prepared by him for that purpose: one of them was to appoint a special commission to inquire into Clodius's death, &c. and to appoint an extraordinary judge, of consular rank, to preside in it. He attended Milo's trial himself, with a strong guard to preserve peace; the accusers were, young Appius, the nephew of Clodius, M. Antonius, and P. Valerius. Cicero was the only advo-

cate on Milo's side; but as soon as he rose up to speak, he was received with so rude a clamour by the Clodians, that he was much discomposed and daunted at his first setting out: he recovered spirit enough, however, to go through his speech, which was taken down in writing, and published as it was delivered: though the copy of it now extant is supposed to have been retouched, and corrected by him afterwards, for a present to Milo, who was condemned, and went into exile at Marseilles, a few days after his condemnation.

(1) *Tamen haec novi judicii nova forma terret oculos.*] The reason why Cicero calls this a new trial is, because Milo was not tried by the acting praetor, as was usual in criminal cases, but by a special commission and an extraordinary judge. By the *nova forma* he refers to the strong guard which Pompey brought to the trial, in order to prevent any violence.

non afferunt tamen oratori aliquid, ut in foro et in judicio, quamquam praesidiis salutaribus et necessariis septi sumus, tamen ne non timere quidem sine aliquo timore possimus; quae si opposita Miloni putarem, cederem tempori, judices, nec inter tantam vim armorum existimarem oratori locum esse; sed me recreat et reficit (2) Cn. Pompeii, sapientissimi et justissimi viri, consilium: qui profectò nec justitiae suae putaret esse, quem reum sententiis judicum tradidisset, eundem telis militum dedere; nec sapientiae, temeritatem concitatae multitudinis auctoritate publicâ armare. Quamobrem illa arma, centuriones, cohortes, non periculum nobis, sed praesidium denuntiant: neque solum, ut quieto, sed etiam ut magno animo simus, hortantur: neque auxilium modò defensioni meae, verùm etiam silentium pollicentur. (3) Reliqua verò multitudo, quae quidem est civium, tota nostra est: neque eorum quisquam, quos undique intuentes ex hoc ipso loco cernitis, unde aliqua pars fori aspici potest, et hujus exitum judicii exspectantes videtis, non cùm virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis hodierno die decertari putat.

II. Unum genus est adversum infestumque nobis, eorum quos P. Clodii furor rapinis, incendiis, et omnibus exitiis publicis pavit: (4) qui hesternâ etiam concione incitati sunt, ut vobis voce praeirent, quid judicaretis; quorum clamor si quis fortè fuerit, admonere vos debebit, ut eum civem retineatis, qui semper genus illud hominum, clamoresque maximos pro vestra salute neglexit. Quamobrem adeste animis, judices, et timorem, si quem habetis, depnite. Nam, si unquam de bonis et fortibus viris, si unquam de bene meritis civibus potestas vobis judicandi fuit: si denique unquam locus (5) amplissimorum ordinum delectis viris datus est, ubi sua studia erga fortes et bonos cives, quae vultu et verbis sacpe significassent, re et sententiis declararent: hoc profectò tempore eam po-

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(2) *Cn. Pompeii, sapientissimi et justissimi viri.*] Though Pompey was not concerned for Clodius's death, or the manner of it, but pleased rather that the republic was freed at any rate from so pestilent a demagogue; yet he resolved to take the benefit of the occasion, for getting rid of Milo too; from whose ambition and high spirit, he had reason to apprehend no less trouble. Cicero, being sensible of this, as well as of the great authority and influence of Pompey, endeavours, through the whole of this oration, to remove the effects which they might have upon the minds of the judges.

(3) *Reliqua verò multitudo, quae quidem est civium, tota nostra est.*] The Clodian party consisted principally of a

set of profligate, low, and abandoned wretches; whom Clodius, by his rapines, had gained over to his interest. To these Cicero does not allow the name of citizens, on account of their infamous characters, and seditious practices.

(4) *Qui hesterna etiam concione incitati sunt, ut vobis voce praeirent, quid judicaretis.*] Munatius Plancus Bursa, one of the three tribunes in opposition to Milo, the very day before this oration was delivered, called the people together, and exhorted them to appear in a full body the next day, when judgment was to be given, and to declare their sentiments in so public a manner, that the criminal might not be suffered to escape; which Cicero reflects upon as an insult on the liberty of the bench.

circle; nor is the crowd such as used to throng us. For those guards you see planted before all the temples, however intended to prevent all violence, yet strike the orator with terror; so that even in the forum, and during a trial, though attended with an usual and necessary guard, I cannot help being under some apprehensions, at the same time I am sensible they are without foundation. Indeed if I imagined it was stationed there in opposition to Milo, I should give way, my lords, to the times, and conclude there was no room for an orator in the midst of such an armed force. But the prudence of Pompey, a man of such distinguished wisdom and equity, both cheers and relieves me; whose justice will never suffer him to leave a person exposed to the rage of the soldiery, whom he has delivered up to a legal trial; nor his wisdom, to give the sanction of public authority to the outrages of a furious mob. Wherefore, those arms, those centurions and cohorts, are so far from threatening me with danger, that they assure me of protection; they not only banish my fears, but inspire me with courage; and promise that I shall be heard not merely with safety, but with silence and attention. As to the rest of the assembly, those, at least, that are Roman citizens, they are all on our side; nor is there a single person of all that multitude of spectators, whom you see on all sides of us, as far as any part of the forum can be distinguished, waiting the event of the trial, who, while he favours Milo, does not think his own fate, that of his posterity, his country, and his property likewise, at stake.

SECT. II. There is indeed one set of men our inveterate enemies; they are those whom the madness of P. Clodius has trained up, and supported by plunder, firing of houses, and every species of public mischief; who were spirited up by the speeches of yesterday, to dictate to you what sentence you should pass. If these should chance to raise any clamour, it will only make you cautious how you part with a citizen who always despised that crew, and their loudest threatenings, where your safety was concerned. Act with spirit then, my lords; and if you ever entertained any fears, dismiss them all. For if ever you had it in your power to determine in favour of brave and worthy men, or of deserving citizens; in a word, if ever any occasion was presented to a number of persons selected from the most illustrious orders, of declaring, by their actions and their votes, that regard for the brave and virtuous, which they had often expressed by their looks and words; now is

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(5) *Amplissimorum ordinum delectis.*
[*varix.*] The judges in this trial were chosen from the senatorian and equestri-

an orders; and Asconius tells us, that they were persons of great abilities and unquestionable integrity.

testatem omnem vos habetis, ut statuatis, utrum nos, qui semper vestrae auctoritati dediti fuimus, semper miseri lugeamus; an diu vexati à perditissimis civibus, aliquando per vos ac vestram fidem, virtutem, sapientiamque recreemur. Quid enim nobis duobus, iudices, laboriosius? quid magis sollicitum, magis exercitum dici aut fingi potest? qui spe amplissimorum praemiorum ad rem publicam adducti, metu crudelissimorum suppliciorum carere non possumus? Evidem caeteras tempestates et procellas in illis duntaxat fluctibus concionum semper putavi Miloni esse subeundas, quod semper pro bonis contra improbos senserat: in judicio vero, et in eo consilio, in quo ex cunctis ordinibus amplissimi viri judicarent, nunquam existimavi spem ullam esse habituros Milonis inimicos, ad ejus non salutem modò extinguendam, sed etiam gloriam per tales viros infringendam. Quanquam in hac causa, judices, T. Annii tribunatu, rebusque omnibus pro salute reipublicae gestis, ad hujus criminis defensionem non abutemur, (6) nisi oculis videritis insidias Miloni à Clodio esse factas: nec deprecaturi sumus, ut crimen hoc nobis multa propter praeclara in rem publicam merita condonetis: nec postulaturi, ut, si mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati assignetis. Sin illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, judices, si caetera amissimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impunè liceat defendere.

III. Sed antequam ad eam orationem venio, quae est propria nostrae quaestionis, videntur ea esse refutanda, quae et in senatu ab inimicis saepe jactata sunt, et in concione saepe ab improbis, etiam paullò ante ab accusatoribus; ut, omni errore sublato, rem planè, quae venit in judicium, videre possitis. (7) Negant intueri lucem esse fas ei, qui à se hominem occisum fateatur. In qua tandem urbe hoc homines stultissimi disputant? nempe in ea, quae primum judicium de capite vidit (8) M. Horatii fortissimi viri: qui nondum

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(6) *Nisi oculis videritis insidias Miloni à Clodio factas.*] Several of Milo's friends were of opinion that he should defend himself, by avowing the death of Clodius to be an act of public benefit: but Cicero thought that defence too desperate, as it would disgust the grave and considerate, by opening so great a door to licence; and offend the powerful, lest the precedent should be extended to themselves. Accordingly he chose to risk the cause on another issue, and laboured to show that Clodius lay in wait for Milo, and contrived the time and place; and that Milo's part was but a necessary

act of self-defence. He does not preclude himself however by this from the other plea, which he frequently takes occasion to insinuate, that if Milo had really designed and contrived to kill Clodius, he would have deserved honours instead of punishment, for cutting off so desperate and dangerous an enemy to the peace and liberty of Rome.

(7) *Negant intueri lucem esse fas ei, qui à se hominem occisum esse fateatur.*] The three tribunes who were in opposition to Milo, declared for his being put to death; alleging, that a man who confesses he has killed another, should not

the time for you to exert this power, in determining whether we, who have ever been devoted to your authority, shall spend the remainder of our days in grief and misery; or, after having been so long insulted by the most abandoned citizens, shall at last, through your means, by your fidelity, virtue and wisdom, recover our wonted life and vigour. (8) For what, my lords, can be mentioned or conceived more grievous to us both, what more vexatious or trying, than that we, who entered into the service of our country from the hopes of the highest honours, cannot even be free from the apprehensions of the severest punishments? For my own part, I always took it for granted, that the other storms and tempests which are usually raised in popular tumults would beat upon Milo, because he has constantly approved himself the friend of good men, in opposition to the bad; but in a public trial, where the most illustrious persons of all the orders of the state were to sit as judges, I never imagined that Milo's enemies could have entertained the least hope not only of destroying his safety, while such persons were upon the bench, but even of giving the least stain to his honour. In this cause, my lords, I shall take no advantage of Annius's tribuneship, nor of his important services to the state during the whole of his life, in order to make out his defence, unless you shall see that Clodius himself actually lay in wait for him; nor shall I intreat you to grant a pardon for one rash action, in consideration of the many glorious things he has performed for his country; nor require, that if Clodius's death prove a blessing to you, you should ascribe it rather to Milo's virtue, than the fortune of Rome; but if it should appear clearer than the day, that Clodius did really lie in wait, then I must beseech and adjure you, my lords, that if we have lost every thing else, we may at least be allowed, without fear of punishment, to defend our lives against the insolent attacks of our enemy.

SECT. III. But before I enter upon that which is the proper subject of our present inquiry, it will be necessary to confute those notions which have been often advanced by our enemies in the senate, often by a set of worthless fellows, and even lately by our accusers before an assembly, that having thus removed all ground of mistake, you may have a clearer view of the matter that is to come before you. They say, that a man who confesses he has killed another, ought not to be suffered to live. But where, pray, do these stupid people use this argument? why, truly, in that very city where the first person that was ever tried for a capital crime

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be allowed to live. Cicero refutes this argument in a very artful manner, by producing several parallel cases from the history of Rome.

(8) *M. Horatii, fortissimi viri.*] This was the M. Horatius, who, after both his brothers were slain, killed the three Curati, in that famous combat, under the

liberâ civitate, tamen populi Romani comitiis liberatus est, cùm sua manu sororem interfectam esse fateretur. An est quisquam qui hoc ignoret, cùm de homine occiso quaeratur, aut negari solere omnino esse factum; aut rectè ac jure factum esse defendi? Nisi verò existimatis dementem P. Africanum fuisse, qui cùm à C. Carbone tribuno plebis in concione (9) seditiosè interrogaretur, quid de Tiberii Gracchi morte sentiret, respondit, (10) jure caesum videri. Neque enim posset aut Ahala ille Servilius, aut P. Nasica, aut L. Opimius, aut C. Marius, aut me consule, senatus non nefarius haberi, si sceleratos cives interfici nefas esset. Itaque hoc, judices, non sine causa etiam fictis fabulis doctissimi homines memoriae prodiderunt, eum, qui patris ulciscendi causâ matrem necavisset, variatis hominum sententiis, non solùm divinâ, sed etiam Deae sapientissimae sententiâ liberatum. (11) Quòd si duodecim tabulae nocturnum furem quoquo modo; diurnum autem, si se telo defendant, interfici impunè voluerunt; quis est, qui, quoquo modo quis imperfectus sit, puniendum putet, cùm videat aliquando gladium nobis ad occidendum hominem ab ipsis porrigi legibus?

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reign of Tullus Hostilius, which gave Rome the superiority over her mother Alba. As he was returning after so glorious a victory in a sort of triumph, his temples encircled with a crown the king had put upon his head, and his shoulders loaded with the spoils of the three Curriatii, to his great surprise, he beheld his sister, unaccompanied by her mother, and without any attendance, hurrying forward in the promiscuous crowd to meet him. One of the Alban champions had been her lover, and was to have been her husband. Upon the first report of his being slain, she had stolen from her mother, and was come, running like a distracted creature, to learn the certainty of his fate; and when she saw the conqueror bearing in triumph her lover's military robe (which she had wrought with her own hands) stained with his blood, she tore her hair, beat her breast, and reviled her brother in the bitterest expressions. Horatius, warm with slaughter, and enraged at these reproaches, and the untimely grief of his sister, killed her upon the spot: and, without sign of pity or remorse, went straight on to his father's house, who approved of the cruel deed, and refused to let his daughter be buried in the sepulchre of her family. Horatius was arraigned before king Tullus, upon an accusation of murder, and some of the most eminent of the citizens concerned themselves in the

prosecution. The king, to avoid the odium he might bring upon himself, by either acquitting or condemning the criminal, turned the affair into a state crime, and, calling the people together, named two commissioners, or duumviri, to try him as a traitor. The fact of which he was accused being notorious, and not disowned by him, the duumviri, without delay, pronounced sentence against him; and the executioner had already laid hold of him, when, by the king's advice, he appealed to an assembly of the people; which, through admiration of his courage, rather than for the justice of his cause, revoked the sentence that had been passed against him. However, that the crime might not go wholly unpunished, they condemned him to pass under the yoke, an ignominy to which they usually subjected prisoners of war who had cowardly surrendered their arms.

(9) *Seditiosè interrogaretur.*] C. Papirius Carbo, in his tribuneship, warmly espoused the cause of the people against the nobility. One day, in a public assembly, he called to Scipio Africanus, and asked him what he thought of the death of Tiberius? meaning probably, by this question, to draw an answer from him that would hurt his credit either with the senate or the people. Scipio without hesitation declared, that, in his opinion, Tiberius was justly slain.

was the brave M. Horatius; who, before the state was in possession of its liberty, was acquitted by the comitia of the Roman people, though he confessed he had killed his sister, with his own hand. Can any one be so ignorant as not to know, that in cases of bloodshed, the fact is either absolutely denied, or maintained to be just and lawful? Were it not so, P. Africanus must be reckoned out of his senses, who, when he was asked in a seditious manner, by the tribune Carbo, before all the people, what he thought of Gracchus's death? said, that he deserved to die. Nor can Ahala Servilius, P. Nasica, L. Opimius, C. Marius, or the senate itself, during my consulate, be acquitted of the most enormous guilt, if it be a crime to put wicked citizens to death. It is not without reason, therefore, my lords, that learned men have informed us, though in a fabulous manner, how that, when a difference arose in regard to the man who had killed his mother in revenge for his father's death, he was acquitted by a divine decree, nay by a decree of the goddess of wisdom herself. And if the twelve tables allow a man, without fear of punishment, to take away the life of a thief in the night, in whatever situation he finds him; and, in the day time, if he uses a weapon in his defence; who can imagine that a person must universally deserve punishment for killing another, when he cannot but see that the laws themselves in some cases put a sword into our hands for this very purpose.

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And when the multitude let him know their displeasure by a loud cry, he boldly returned, "Cease your noise! do you think by your clamour to frighten me, 'who am used, unterrified, to hear the shouts of embattled enemies.'

(10) *Jure caesum videri.*] Tiberius Gracchus, in his tribuneship, revived the Agrarian law of Licinius Stolo, the total neglect of which was extremely prejudicial to the republic. This drew upon him the displeasure of the senate and the rich, who took the fatal resolution, upon this occasion, of having recourse to arms and slaughter; and assassinated, before the temple of Jupiter Capitolinus, a magistrate, whose person, by the laws, was sacred and inviolable. Mr Guthrie, in his notes upon this passage, charges Gracchus with being the author of many seditions, and with violently oppressing the state; but it would be difficult, we apprehend, to support such a charge. So far, indeed, was Gracchus from violently oppressing the state, that he generously undertook to humble the proud and aspiring nobility, and to deliver the poor from their violent oppressions, and lost his life in the pursuit of so glorious an enterprise. If this view of his character

and conduct be impartially considered, we cannot but think, with one of the most judicious of modern historians, that he must appear the most accomplished patriot ever Rome produced.

(11) *Quod si duodecim tabulae nocturnum furem.*] In the beginning of the Roman state there was no certain standard of justice and equity; but every thing was managed by the sole authority of the kings. As the consuls succeeded to the regal power, they likewise succeeded to the prerogative of distributing justice, by themselves, or their patrician substitutes; and the judicial proceedings for many years depended only on custom, and the judgment of the court. At last, to redress this inconvenience, commissioners were sent into Greece, to make a collection of the best laws for the service of their country; and, at their return, the *Decemviri* were created, who reduced them into twelve tables. Cicero passes high encomiums on these laws, and gives it as his opinion, that they were to be preferred to whole libraries of the philosophers.—The law referred to in this passage runs thus: *He that is attacked by a robber in the night, let him not be punished if he kills him.*

IV. Atqui si tempus est ullum jure hominis necandi, quae multa sunt, certè illud est non modò justum, verùm etiam necessarium, cùm vi vis illata defenditur. (12) Pudicitiam cùm eriperet militi tribunus militaris in exercitu C. Marii, propinquus ejus imperatoris, interfactus ab eo est, cui vim afferebat; facere enim probus adolescens periculosè, quàm perpeti turpiter maluit; atque hunc ille vir summus scelere solutum periculo liberavit. Insidiatori verò et latroni quae potest inferri injusta nex? Quid comitatus nostri, quid gladii volunt? quos habere certè non liceret, si uti illis nullo pacto liceret. Est enim haec, judices, non scripta, sed nata lex: quam non didicimus, accepimus, legimus, verùm ex natura ipsa arripuius, hausimus, expressimus; ad quam non docti, sed facti; non instituti, sed imbuti sumus: ut, si vita nostra in aliquas insidias, si in vim, si in tela aut latronum, aut inimicorum incidisset; omnis honesta ratio esset expedienda salutis. Silent enim leges inter arma, nec se expectari jubent, cùm ei, qui exspectare velit, antè injusta poena luenda sit, quàm justa repetenda. Etsi persapienter, et quodammodo tacitè, dat ipsa lex potestatem defendendi; quae non modò hominem occidi, sed esse cum telo hominis occidendi causâ vetat: ut, cùm causa, non telum quaereretur, qui sui defendendi causâ telo esset usus, non hominis occidendi causâ habuisse telum judicaretur. Quapropter hoc maneat in causa, judices; non enim dubito quin probaturus sim vobis defensionem meam, si id memineritis, quod oblivisci non potestis, insidiatorem jure interfici posse.

V. Sequitur illud, quod à Milonis inimicis saepissimè dicitur; caedem, in qua P. Clodius occisus est, (13) senatum judicâsse contra rempublicam esse factam. Illam verò senatus, non sententiis suis solum, sed etiam studiis comprobavit. Quoties enim est illa causa à nobis acta in senatu? quibus assensionibus universi ordi-

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(12) *Pudicitiam cùm eriperet militi tribunus militaris in exercitu C. Marii.*] This military tribune, according to Plutarch, who relates the story, was C. Lu-cius, the nephew of Marius. He made several unnatural attempts upon the body of one Trebonius, a private soldier; who, at last, to save his honour, put the infamous wretch to death; and when he was summoned before Marius, defended what he had done with so much spirit and resolution, that his general bestowed a crown or garland upon him, as a reward of his virtue. The part Marius acted in this affair, Plutarch tells us, contributed more than any thing else to raise him to the consulship a third time.

(13) *Senatum judicâsse contra rempublicam esse factam.*] The senate had passed two decrees, in relation to the case of

Milo: one was, that the murder of Clodius was an act against the state; the other, that the interrex, assisted by the tribunes and Pompey, should take care that the republic received no detriment, and that Pompey in particular should raise a body of troops for the common security. This being the case, Milo's enemies alleged that he was in a manner already condemned by the senate. Cicero, in answer to this, endeavours, very artfully, to shew, that Milo's conduct was so far from being condemned, that it was approved by the senate. Milo, he alleges, was not affected by that decree of the senate which declared the murder of Clodius to be an act against the state, since it was not such through his intention, being committed in self defence, to which he had a natural right.

SECT. IV. But if any circumstance can be alleged, and undoubtedly there are many such, in which the putting a man to death can be vindicated, that in which a person has acted upon the principle of self-defence, must certainly be allowed sufficient to render the action not only just, but necessary. When a military tribune, a relation of C. Marius, made an unnatural attempt upon the body of a soldier in that general's army, he was killed by the man to whom he offered violence; for the virtuous youth chose rather to expose his life to hazard, than submit to such dishonourable treatment; and he was acquitted by that great man, and delivered from all apprehensions of danger. But what death can be deemed unjust that is inflicted on one who lies in wait for another, one who is a public robber? To what purpose have we a train of attendants? or why are they furnished with arms? It would certainly be unlawful to wear them at all, if the use of them was absolutely forbid. For this, my lords, is not a written, but an innate law: we have not been taught it by the learned, we have not received it from our ancestors, we have not taken it from books; but it is derived from, it is forced upon us, by nature, and stamped in indelible characters upon our very frame: it was not conveyed to us by instruction, but wrought into our constitution; it is the dictate, not of education, but instinct, that if our lives should be at any time in danger from concealed or more open assaults of robbers or private enemies, every honourable method should be taken for our security. Laws, my lords, are silent amidst arms; nor do they require us to wait their decisions, when by such a delay one must suffer an undeserved punishment himself, rather than inflict it justly on another. Even the law itself, very wisely, and in some measure tacitly, allows of self-defence, as it does not forbid the killing of a man, but the carrying a weapon in order to kill him; since then the stress is laid not upon the weapon, but the end for which it was carried, he that makes use of a weapon only to defend himself, can never be condemned as wearing it with an intention to take away a man's life. Therefore, my lords, let this principle be laid down as the foundation of our plea: for I don't doubt but I shall make out my defence to your satisfaction, if you only keep in mind what I think it is impossible for you to forget, that a man who lies in wait for another may be lawfully killed.

SECT. V. I come now to consider what is frequently insisted upon by Milo's enemies; that the killing of P. Clodius has been declared by the senate a dangerous attack upon the state. But the senate has declared their approbation of it, not only by their suffrages, but by the warmest testimonies in favour of Milo. For how often have I pleaded that very cause before them? how great

nis? quām nec tacitis, nec occultis? quando enim frequentissimo senatu quatuor, ad sumnum quinque sunt inventi, qui Milonis causam non probarent? (14) Declarant hujus ambusti tribuni plebis illae intermortuae conciones, quibus quotidie meam potentiam invidiosè criminabatur, cūm diceret, senatum, non quod sentiret, sed quod ego vellem, decernere. Quae quidem si potentia est appellanda potius, quām propter magna in rempublicam merita, mediocris in bonis causis auctoritas, aut, propter officiosos labores meos, nonnulla apud bonos gratia; appelletur ita sane, dummodo eā nos utamar pro salute bonorum contra amentiam perditorum. Hanc verò quaestionem, etsi non est iniqua, nunquam tamen senatus constituendam putavit: erant enim leges, erant quaestiones vel de caede, vel de vi: nec tantum moerorem ac luctum senatui mors P. Clodii afferebat, ut nova quaestio constitueretur. (15) Cujus enim senatui de illo incesto stupro judicium decernendi potestas esset erepta; de ejus interitu quis potest credere senatum judicium novum constituendum putasse? Cur igitur incendium curiae, (16) oppugnationem aedium M. Lepidi, caedem hanc ipsam, contra rempubl. senatus factam esse decrevit? Quia nulla vis unquam est in libera civitate suscepta inter cives, non contra rempublicam. Non enim est ulla defensio contra vim unquam optanda, sed nonnunquam est necessaria; nisi verò aut ille dies, in quo Tiberius Gracchus est caesus, aut ille, quo Caius, aut quo arma Saturnini oppressa sunt, etiamsi è republ. remp. tamen non vulnerarunt.

VI. Itaque ego ipse decrevi, cūm caedem in Appia factam esse constaret, non eum, qui se defendisset, contra rempubl. fecisse, sed, cūm inesset in re vis et insidiae, crimen judicio reservavi, rem notavi. Quod si per furiosum illum tribunum senatui, quod sentiebat, perficere licuisset, novam quaestionem nunc nullam habemus; decernebat enim, ut veteribus legibus, tantummodo extra ordinem quereretur. (17) Divisa sententia est, postulante nescio

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(14) *Declarant hujus ambusti tribuni plebis illae intermortuae.*] The following note of Asconius illustrates this passage. “*Titus Munatius Plancus, says he, et Q. Pompeius Rufus, tribuni plebis, cum contra Milonem Scipioni et Hypsæo studerent, concionati sunt eo ipso tempore, plebemque in Milonem accenderunt, quo propter Clodii corpus, curia incensa est; nec prius destiterant, quam flamma ejus incendi fugati sunt e concione.* Erant enim tunc rostra non eo loco, quo nunc sunt, sed ad comitium, prope juncta curiae. *Ob hoc T. Munatium ambustum tribunum appellat.*”

(15) *Cujus enim de illo incesto stupro judicium decernendi potestas senatui esset erepta.*] When the affair of Clodius's pol-

luting the mysteries of the *Bona Dea* was brought before the senate, it was resolved to refer it to the college of priests, who declared it to be an abominable impiety: upon which the consuls were ordered to provide a law for bringing Clodius to a trial before the people. But Q. Fusius Calenus, one of the tribunes, supported by all the Clodian faction, would not permit the law to be offered to the suffrage of the citizens. The affair being likely to produce great disorders, Hortensius proposed an expedient, which was accepted by both parties, that the tribune Fusius should publish a law for the trial of Clodius by the praetor, with a select bench of judges.

was the satisfaction of the whole order? how loudly, how publicly did they applaud me? In the fullest house, when were there found four, at most five, who did not approve of Milo's conduct? This appears plainly from the lifeless harangues of that singed tribune, in which he was continually inveighing against my power, and alleging that the senate, in their decree, did not follow their own judgment, but were entirely under my direction and influence. Which if it must be called power,¹⁶ rather than a moderate share of authority in just and lawful causes, to which one may be entitled by services to his country; or some degree of interest with the worthy part of mankind, on account of my readiness to exert myself in defence of the innocent; let it be called so, provided it is employed for the protection of the virtuous against the fury of ruffians. But as for this extraordinary trial, though I do not blame it, yet the senate never thought of granting it; because we had laws and precedents already both in regard to murder and violence: nor did Clodius's death give them so much concern as to occasion an extraordinary commission. For if the senate was deprived of the power of passing sentence upon him for an incestuous debauch, who can imagine they would think it necessary to grant any extraordinary trial for enquiring into his death? Why then did the senate decree, that burning the court, the assault upon M. Lepidus's house, and even the death of this man, were actions injurious to the republic? because every act of violence committed in a free state by one citizen against another, is an act against the state. For even force in one's own defence is never desirable, though it is sometimes necessary; unless indeed it be pretended that no wound was given the state, on the day when the Gracchi were slain, and the armed force of Saturninus crushed.

SECT. VI. When it appeared, therefore, that a man had been killed upon the Appian way, I was of opinion that the party, who acted in his own defence, should not be deemed an enemy to the state; but as both contrivance and force had been employed in the affair, I referred the merits of the cause to a trial, and admitted of the fact. And if that frantic tribune would have permitted the senate to follow their own judgment, we should at this time have had no new commission for a trial: for the senate was coming to a resolution, that the cause should be tried upon the old laws only, not according to the usual forms. A division was made in the

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(16) *Oppugnationem aedium M. Lepidi.*] Manutius tells us, that the factions of Scipio and Hypsaeus stormed the house of M. Lepidus, the inter-rex, threw down the images of his ancestors, and committed a variety of outrages, because

he would not hold the comitia for the election of consuls, whilst the resentment of the populace was fresh against Milo.

(17) *Divisa sententia est.*] When any opinion, proposed to the senate, was thought too general, and to include seve-

quo; nihil enim necesse est omnium me flagitia proferre; sic reliqua auctoritas senatus, emptâ intercessione, sublata est. At enim Cn. Pompeius rogatione suâ et de re et de causa judicavit; tulit enim de caede, quae in Appia via facta esset, in qua P. Clodius occisus fuit. Quid ergo tulit? nempe, ut quaereretur. Quid porrò quaerendum est? factum-ne sit? at constat; à quo? at patet; vidit etiam in confessione facti, juris tamen defensionem suscipi posse; (18) quod nisi vidiisset, posse absolví eum, qui fateretur: cùm videret nos fateri; neque quaeri unquam jussisset, nec vobis (19) tam salutarem hanc in judicando literam, quam illam tristem dedisset. Mihi verò Cn. Pompeius non modò nihil gravius contra Milonem judicâsse, sed etiam statuisse videtur, quid vos in judicando spectare oporteret; nam qui non poenam confessioni, sed defensionem dedit, is causam interitûs quaerendam, non interitum putavit. Jam illud dicet ipse profecto, quod suâ sponte fecit, Publione Clodio tribuendum putârit, an tempori.

VII. Domi suae nobilissimus vir, senatus propugnator, atque illic quidem temporibus pene patronus, avunculus hujus nostri judicis, fortissimi viri, M. Catonis, (20) tribunus pleb. M. Drusus occisus est; nihil de ejus morte populus consultus, nulla quaestio decreta à senatu est. Quantum luctum in hac urbe fuisse à nostris patribus accepimus, (21) cùm P. Africano domi suae quiescenti, illa nocturna vis esset illata? quis tum non gemuit? quis non arsit dolore? quem immortalem, si fieri posset, omnes esse cuperent, ejus ne necessariam quidem expectatam esse mortem? Num igitur ulla quaestio de Africani morte lata est? certè nulla. Quid

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ral distinct articles, some of which might be approved, and others rejected; it was usual to require that it might be divided; and sometimes by a general voice of the assembly, calling out, *divide, divide*.

(18) *Quod nisi vidiisset, posse absolví eum, qui fateretur.*] It is very observable with what address Cicero conducts himself, in regard to Pompey, through the whole of this oration. He was very sensible what weight and influence Pompey had, and of what consequence it was to his cause to have it thought that he was Milo's friend: accordingly he insinuates, in a very artful manner, that he was, though he well knew the contrary.

(19) *Tam salutarem hanc in judicando literam, quam illam tristem.*] He means the letters *A* and *C*: the first of which the judges wrote on the tablets, if they meant to acquit, and on the other if they meant to condemn: on which account the former is called *salutaris*, the latter *tristis*. See note 12th on the oration against Caecilius.

(20) *Tribunus plebis M. Drusus occisus est.*] M. Livius Drusus was a tribune in the year of Rome 631. He was a man of good parts, natural and acquired; a great orator, and very rich. The senate, by their solicitations, engaged him to combine with them against his colleague C. Gracchus, and assisted him in procuring a decree for planting twelve new colonies, each of three thousand Romans, in order to supplant Caius in the esteem of the people, though without any view to their real advantage. He afterwards incurred the displeasure of the senate, and was assassinated in his attempt of publishing a law to confer the freedom of the city upon some of the principal towns of Italy, to whom he had promised it, and who had formed themselves into a confederacy in order to support their demand of it.

(21) *Cùm P. Africano domi suae quiescenti illa nocturna vis esset illata.*] This was P. Africanus Minor. There are various reports about the violence done to

vote, at whose request I know not ; for it is not necessary to expose the crimes of every one. Thus the remainder of the senate's authority was destroyed by a mercenary interposition. But it is said that Pompey, by the bill which he brought in, decided both upon the nature of the fact in general, and the merits of this cause in particular ; for he published a law concerning this ~~encounter~~ in the Appian way, in which P. Clodius was killed. But what was the law ? why, that inquiry should be made into it. And what was to be inquired into ? Whether the fact was committed ? but that is not disputed. By whom ? that too is clear ; for Pompey saw, though the fact was confessed, that the justice of it might be defended. If he had not seen that a person might be acquitted, after making his confession, he never would have directed any inquiry to be made, nor have put into your hands, my lords, an acquitting as well as an unfavourable letter. But Cn. Pompey seems, to me, not only to have determined nothing severe against Milo, but even to have pointed out what you are to have in view in the course of the trial. For he who did not punish the confession of the fact, but allowed of a defence, was surely of opinion that the cause of the bloodshed was to be inquired into, and not the fact itself. I refer it to Pompey himself, whether the part he acted in this affair proceeded from his regard to the memory of P. Clodius, or from his regard to the times.

SECT. VII. M. Drusus, a man of the highest quality, the defender, and in those times almost the patron of the senate, uncle to that brave man M. Cato, now upon the bench, and tribune of the people, was killed in his own house ; and yet the people were not consulted upon his death, nor was any commission for a trial granted by the senate on account of it. What deep distress is said to have spread over the whole city, when P. Africanus was assassinated in the night-time as he lay on his own bed ? What breast did not then sigh, what heart was not pierced with grief, that a person, on whom the wishes of all men would have conferred immortality, could wishes have done it, should be cut off by so early a fate ? Was no decree made then for an inquiry into Africanus's death ? None. And why ? because the

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him, and the authors of it. Appian says, that he was found dead in his bed in the morning, without any appearance of a wound, after having been conducted home from the senate-house the day before, by the whole body of the senators. Plutarch tells us, that it was thought there appeared, on the dead body, some marks of blows and violence ; that most people accused Fulvius, Africanus's declared enemy ; that there was some sus-

picion even of Caius Gracchus ; and that the people, for fear he should be found guilty, would not suffer any inquiry into the matter. From this variety of reports about the violence done to him, it seems most probable, that prejudice and party spirit invented the whole, and that he really died a natural death, which, according to Velleius Paterculus, was the opinion of most authors.

ita? quia non alio facinore clari homines, alio obscuri necantur. Intersit inter vitae dignitatem summorum atque infimorum: mors quidem illata per scelus iisdem poenis teneatur et legibus; nisi forte magis erit parricida, si quis consularem patrem, quam si quis humilem necaverit: aut eò mors atrocior erit P. Clodii, quod is in monumentis majorum suorum sit interfactus; hoc enim saepe ab istis dicitur; perinde quasi Appius ille Caecus viam munierit, non quam populus uteretur, sed ubi impunè sui posteri latrocina-rentur. Itaque in eadem ista Appia via, (22) cum ornatissimum equitem Rom. P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum; homo enim nobilis in suis monumentis equitem Roman. occiderat. Nunc ejusdem Appiae nomen quantas tragoealias excitat? quae cruentata antea caede honesti atque innocentis viri silebatur, eadem nunc crebro usurpat, posteaquam latronis et parricidae sanguine imbuta est. Sed quid ego illa comminemoro? (23) comprehensus est in templo Castoris servus P. Clodii, quem ille ad Cn. Pompeium interficiendum collocarat: extorta est confitenti sica de manibus; caruit foro postea Pompeius, caruit senatu, caruit publico; janua se ac parietibus, non jure legum judiciorumque texit. Num quae rogatio lata? num quae nova quaestio decreta est? atqui si res, si vir, si tempus ullum dignum fuit, certè haec in illa causa summa omnia fuerunt; insidiator erat in foro collocatus, atque in vestibulo ipso senatus: ei viro autem mors parabatur, cuius in vita nitebatur salus civitatis: eo porro reipub. tempore, quo, si unus ille occidisset, non haec solùm civitas, sed gentes omnes concidissent; nisi fortè, quia perfecta res non est, non fuit punienda: perinde quasi exitus rerum, non hominum consilia legibus vindicentur; minùs dolendum fuit, re non perfectâ, sed puniendum certè nihilo minùs. Quoties ego ipse, judices, ex P. Clodii telis et ex cruentis ejus manibus effugi? ex quibus si me non vel mea, vel reipub. fortuna servasset, quis tandem de interitu meo quaestionem tulisset?

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(22) *Cum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset.*] Clodius had, by stratagem, got into his hands the son of king Tigranes, whom Pompey brought with him from the east, and kept a prisoner at Rome, in the custody of Flavius the praetor; and, instead of delivering him up when Pompey demanded him, undertook, for a large sum of money, to give him his liberty, and send him home. This occasioned a sharp engagement between him and Flavius, who marched out of Rome, with a body of men well armed, to recover Tigranes by force: but Clodius proved too strong for him, and killed a great part of his

company; and among them M. Papirius, Pompey's intimate acquaintance, whilst Flavius also himself had some difficulty to escape with life.

(23) *Comprehensus est in templo Castoris.*] This temple was contiguous to the forum and the senate-house. It was built by Posthumius in honour of Castor and Pollux, who were said to have appeared during the battle of Regillus upon white horses, to have marched at the head of the Roman cavalry, striking terror among the Latins; and in the evening, after the battle, to have carried the first news of the victory to Rome,

crime is the same, whether the character of the persons that suffer be illustrious or obscure. Grant that there is a difference as to the dignity of their lives, yet their deaths, when they are the effect of villainy, are judged by the same laws, and attended by the same punishments: unless if it be a more heinous parricide for a man to kill his father if he be of consular dignity, than if he were in a private station; or the guilt of Clodius's death be aggravated by his being killed amongst the monuments of his ancestors; for that too has been urged; as if the great Appius Caecus had paved that road, not for the convenience of his country, but that his posterity might have the privilege of committing acts of violence with impunity. And accordingly when P. Clodius had killed M. Papirius, a most accomplished person of the equestrian order, on this Appian way, his crime must pass unpunished; for a nobleman had only killed a Roman knight amongst the monuments of his own family. Now the very name of this Appian way, what a stir does it make? What was never mentioned while it was stained with the blood of a worthy and innocent man, is in every one's mouth, now it is dyed with that of a robber and a murderer. But why do I mention these things? One of Clodius's slaves was seized in the temple of Castor, where he was placed by his master, on purpose to assassinate Pompey: he confessed it, as they were wresting the dagger out of his hands. Pompey absented from the forum upon it, he absented from the senate, he absented from the public. He had recourse, for his security, to the gates and walls of his own house, and not to the authority of laws, or courts of judicature. Was any law passed at that time? was any extraordinary commission granted? And yet, if any circumstance, if any person, if any juncture ever merited such a distinction, it was certainly upon this occasion. An assassin was placed in the forum, and in the very porch of the senate-house, with a design to murder the man, on whose life depended the safety of the state, and at so critical a juncture of the republic, that if he had fallen, not this city alone, but the whole empire, must have fallen with him. But possibly you may imagine he ought not to be punished, because his design did not succeed; as if the success of a crime, and not the intention of the criminal, was cognizable by the laws. There was less reason indeed for grief, as the attempt did not succeed; but certainly not at all the less for punishment. How often, my lords, have I myself escaped the threatening dagger, and bloody hands of Clodius? from which, if neither my own good fortune, nor that of the republic, had preserved me, who would ever have procured an extraordinary trial upon my death?

VIII. Sed stulti sumus, qui Drusum, qui Africanum, Pompeium, nosmetipsos, cum P. Clodio conferre audeamus: tolerabili fuerunt illa; P. Clodii mortem aequo animo nemo ferre potest; luget senatus: moeret equester ordo: tota civitas confecta senio est: squalent municipia: afflictantur coloniae; agri denique ipsi tam beneficium, tam salutarem, tam mansuetum civem desiderant. Non fuit ea causa, judices, profectò non fuit, cur sibi censeret Pompeius quaestionem ferendam; sed homo sapiens, et altâ et divinâ quadâ mente praeditus, multa vidit; fuisse sibi illum inimicum, familiarem Milonem; in communi omnium laetitia si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatae gratiae; multa etiam alia vidit, sed illud maximè: quamvis atrociter ipse tulisset, vos tamen fortiter judicatueros. Itaque delegit è florentissimis ordinibus ipsa lumina: neque verò, quod nonnulli dictitant, secrevit in judicibus legendis amicos meos: neque enim hoc cogitavit vir justissimus, neque in bonis viris legendis id assequi potuisset, etiam si cupiisset; non enim mea gratia familiaritatibus continetur, quae latè patere non possunt, propterea quòd consuetudines victus non possunt esse cum multis; sed, si quid possumus, ex eo possumus, quòd res publica nos conjunxit cum bonis; ex quibus ille cùm optimos viros legeret, idque maximè ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei. Quòd verò te, L. Domiti, huic quaestioni praeesse maximè voluit, nihil quaequivit aliud, nisi justitiam, gravitatem, humanitatem, fidem. Tulit, ut consulariem necesse esset: credo, quòd principum munus esse ducebat, resistere et levitati multitudinis, et perditorum temeritati. Ex consularibus te creavit potissimum; (24) dederas enim, quām contemneres populares insanias, jam ab adolescentia documenta maxima.

IX. Quamobrem, judices, ut aliquando ad causam crimenque veniamus; si neque omnis confessio facti est inusitata, neque de causa quidquam nostra aliter, ac nos vellemus, à senatu judicatum est; et lator ipse legis, cùm esset controversia nulla facti, juris tamen disceptationem esse voluit: et electi judices, et isti praeposi-

NOTES.

(24) Dederas enim, quām contemneres populares insanias, jam ab adolescentia documenta maxima.] He refers to Domitius's conduct in his praetorship, during which Cn. Manlius, one of the tribunes of the people, enacted a law, that the

freed men of every tribe should have a power of voting, and took possession of the Capitol in a forcible manner, from which he was driven by Domitius, and several of his followers slain.

SECT. VIII. But it is weak in one to presume to compare Drusus, Africanus, Pompey, or myself, with Clodius. Their lives could be dispensed with; but as to the death of P. Clodius, no one can bear it with any degree of patience. The senate mourns, the equestrian order is filled with distress, the whole city is in the deepest affliction, the corporate towns are all in mourning, the colonies are overwhelmed with sorrow; in a word, even the fields themselves lament the loss of so generous, so useful, and so humane a citizen. But this, my lords, is by no means the reason why Pompey thought himself obliged to appoint a commission for a trial: Being a man of great wisdom, of deep and almost divine penetration, he took a great variety of things into his view. He considered that Clodius had been his enemy, that Milo was his intimate friend, and was afraid that, if he took his part in the general joy, it would render the sincerity of his reconciliation suspected. Many other things he saw, and particularly this, that though he had made a severe law, you would act with becoming resolution on the trial. And accordingly, in appointing judges, he selected the greatest ornaments of the most illustrious orders of the state; nor in making his choice did he, as some have pretended, set aside my friends. For neither had this person, so eminent for his justice, any such design, nor was it possible for him to have made such a distinction, if only worthy men were chosen, even if he had been desirous of doing it. My influence is not confined to my particular friends, my lords, the number of whom cannot be very large, because the intimacies of friendship can extend but to a few. If I have any interest, it is owing to this, that the affairs of the state have connected me with the virtuous and worthy members of it; out of whom, when he chose the most deserving, to which he would think himself bound in honour, he could not fail of nominating those who had an affection for me. But in fixing upon you, L. Domitius, to preside at this trial, he had no other motive than a regard to justice, disinterestedness, humanity, and honour. He enacted, that the president should be of consular rank; because, I suppose, he was of opinion, that men of distinction ought to be proof against the levity of the populace, and the rashness of the abandoned. And he gave you the preference of all others of the same rank, because you had, from your youth, given the strongest proofs of your contempt of popular rage.

SECT. IX. Therefore, my lords, to come at last to the cause itself, and the accusation brought against us; if it be not unusual in some cases to confess the fact; if the senate has decreed nothing with relation to our cause, but what we ourselves could have wished; if he who enacted the law, though there was no dispute about the matter of fact, was willing that the lawfulness of it should be

tus quaestioni, qui haec justè sapienterque deceptet: reliquum est, judices, ut nihil jam aliud quaerere debeatis, nisi utri insidias fecerit; quod quò facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono, quaeso diligenter attende. P. Clodius, cùm statuisse omni scelere in praetura vexare rempubl. (25) videretque ita tracta esse comitia anno superiore, ut non multos menses praeturam gerere posset: qui non honoris gradum spectaret, ut caeteri, sed et L. Paulum collegam effugere vellet, singulari virtute civem, et annum integrum ad dilacerandum rempubl. quaereret; subitò reliquit annum suum, seque in annum proximum transtulit, non, ut fit, religione aliquâ, sed ut haberet, quod ipse dicebat, ad praeturam gerendam, hoc est, ad evertendam rempubl. plenum annum atque integrum. Occurrebat ei, mancam ac debilem praeturam suam futuram, consule Milone: eum porrò summo consensu populi Romani consulem fieri videbat. Contulit se ad ejus competitores; sed ita, totam ut petititionem ipse solus, etiam invitis illis, gubernaret; tota ut comitia suis, ut dictitabat, humeris sustineret. Convocabat tribus: se interponebat: Collinam novam, delectu perditissimorum scribebat civium. Quanto ille plura miscebat, tanto hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus fortissimum virum, inimicissimum suum, certissimum consulem; idque intellexit non solum sermonibus, sed etiam suffragiis populi Rom. saepe esse declaratum; palam agere coepit, et apertè dicere, occidendum Milonem. Servos agrestes et barbaros, quibus silvas publicas depopulatus erat, Etruriamque vexarat, ex Apennino deduxerat, quos videbatis: res erat minimè obscura; etenim palam dictitabat, consulatum Miloni eripi non posse, vitam posse; significavit hoc saepe in senatu, dixit in concione: quin etiam Favonio, fortissimo viro, quaerenti ex eo, quâ spe fureret Milone vivo? respondit, triduo illum, ad summum quatriduo peritulum; quam vocem ejus ad hunc M. Catonem statim Favonius detulit.

X. Interim cùm sciret Clodius (neque enim erat difficile scire), iter solemne, legitimum, necessarium ante diem xiii. kalend. Febr.

NOTES.

(25) *Videretque ita tracta esse comitia anno superiore.*] The factions of the city, and the seditious conduct of the tribunes, had prevented the election of consuls, and occasioned an interregnum of up-

wards of six months: so that Messala and Calvinus did not hold the consulship above five months, which was probably the case with the praetors too.

debated; if a number of judges have been chosen, and a person appointed to preside at the trial, who might canvass the affair with wisdom and equity; the only remaining subject of your inquiry is, which of these two parties waylaid the other. And that you may be able the more easily to determine this point, I shall beg the favour of an attentive hearing, while in a few words I lay open the whole affair before you. P. Clodius being determined, when created praetor, to harass his country with every species of oppression, and finding the comitia had been delayed so long the year before, that he could not hold his office many months: not regarding, like the rest, the dignity of the station, but being solicitous both to avoid having L. Paulus, a man of exemplary virtue, for his colleague, and to obtain a whole year for oppressing the state; all on a sudden threw up his own year, and reserved himself to the next; not from any religious scruple, but that he might have, as he said himself, a full entire year for exercising his praetorship; that is, for overturning the commonwealth. He was sensible he must be controlled and cramped in the exercise of his praetorian authority under Milo, who, he plainly saw, would be chosen consul by the unanimous consent of the Roman people. Accordingly he joined the candidates that opposed Milo, but in such a manner that he overruled them in every thing, had the sole management of the election, and, as he used often to boast, bore all the comitia upon his own shoulders. He assembled the tribes; he thrust himself into their counsels, and formed a new Collinian tribe of the most abandoned of the citizens. The more confusion and disturbance he made, the more Milo prevailed. When this wretch, who was bent upon all manner of wickedness, saw that so brave a man, and his most inveterate enemy, would certainly be consul; when he perceived this, not only by the discourses, but by the votes of the Roman people, he began to throw off all disguise, and to declare openly that Milo must be killed. He sent for that rude and barbarous crew of slaves from the Apennines, whom you have seen, with whom he used to ravage the public forests, and harass Etruria. The thing was not in the least a secret; for he used openly to say, that though Milo could not be deprived of the consulate, he might of his life. He often intimated this in the senate, and declared it expressly before the people; insomuch that when Favonius, that brave man, asked him what prospect he could have of carrying on his furious designs, while Milo was alive? he replied, that in three or four days at most he should be taken out of the way: which reply Favonius immediately communicated to M. Cato.

SECT. X. In the mean time, as soon as Clodius knew (nor indeed was there any difficulty to come at the intelligence) that Milo

Miloni esse (26) Lanuvium ad flaminem prodendum, quòd erat dictator Lanuvii Milo, Româ subitò ipse profectus pridie est, ut ante suum fundum (quod re intellectum est) Miloni insidias collocaret; atque ita profectus est, ut concionem turbulentam, in qua ejus furor desideratus est, quae illo ipso die habita est, relinqueret: quam, nisi obire facinoris locum tempusque voluisset, nunquam reliquisset. Milo autem cùm in senatu fuisse eo die, quoad senatus dimissus est, domum venit: (27) calceos et vestimenta mutavit: paullisper, dum se uxor, ut fit, comparat, commoratus est: deinde proiectus est id temporis, cùm jam Clodius, siquidem eo die Romam venturus erat, redire potuisset. Obviàm fit ei Clodius expeditus, in equo, nullâ rhedâ, nullis impedimentis, (28) nullis Graecis comitibus, ut solebat; (29) sine uxore, quod nunquam ferè: cùm hic insidiator, qui iter illud ad caudem faciendam apparâasset, cum uxore veheretur in rheda, penulatus, magno et impedito, et muliebri ac delicato ancillarum puerorumque comitatū. Fit obviàm Clodio ante fundum ejus horâ ferè undecimâ, aut non multò secus; statim complures cum telis in hunc faciunt de loco superiore impetum: adversi rhedarium occidunt: cùm autem hic de rheda, rejectâ penulâ, desiluisset, seque acri animo defenderet; illi, qui erant cum Clodio, gladiis eductis, partim recurrere ad rhedam, ut à tergo Milonem adorirentur; partim, quòd hunc jam interfectum putarent, caedere incipiunt ejus servos, qui pòst erant: ex quibus, qui animo fideli in dominum et praesenti fuerunt, partim occisi sunt, partim, cùm ad rhedam pugnari viderent, et domino succurrere prohiberentur, Milonemque occisum etiam ex ipso Clodio audirent, et reverâ putarent; fecerunt id servi Milonis (dicam enim non derivandi eriminis causâ, sed ut factum est) neque imperante, neque sciente, neque praesente domino, quòd suos quisque servos in tali re facere voluisset.

NOTES.

(26) *Lanuvium ad flaminem prodendum.*] Lanuvium was a municipal town in the Appian way, about twelve miles from Rome. The famous temple of Juno Sospita was in it, to officiate in which a priest was yearly nominated by a magistrate called the dictator.

(27) *Calceos et vestimenta mutavit.*] The Roman senators were distinguished from all the other citizens by the ornaments of their ordinary dress and habit, especially by their *vest* or *tunic*, and the fashion of their shoes; of which the old writers make frequent mention. The peculiar ornament of their *tunic* was the *latus clavus*, as it was called, being a broad stripe of purple sewed upon the fore part of it, and running down the middle of the breast, which was the proper distinction between them and the

knights, who wore a much narrower stripe of the same colour, and in the same manner. The fashion also of their shoes was peculiar, and different from that of the rest of the city. This difference appeared in the colour, shape, and ornament of the shoes. The colour of them was *black*; the form somewhat like to a short boot, reaching up to the middle of the leg, as they are sometimes seen in ancient statues and bas-reliefs; and the proper ornament of them was, the figure of an *half-moon* sewed or fastened upon the fore-part of them near the ankles; designed, according to some writers, to express the letter *C*, the numeral mark of an hundred, which was the original number of the senate when it was first instituted by Romulus.

(28) *Nullis Graecis comitibus.*] It

was obliged, by the 18th of January, to be at Lanuvium, where he was dictator, in order to nominate a priest, a duty which the laws rendered necessary to be performed every year; he went suddenly from Rome the day before, in order, as appears by the event, to waylay Milo in his own grounds; and this at a time when he was obliged to leave a tumultuous assembly, which he had summoned that very day, where his presence was necessary to carry on his mad designs; a thing he never would have done, if he had not been desirous to take the advantage of that particular time and place for perpetrating his villany. But Milo, after having staid in the senate that day till the house was broke up, went home, changed his shoes and clothes, waited a while, as usual, till his wife had got ready to attend him, and then set forward about the time that Clodius, if he had proposed to come back to Rome that day, might have returned. Clodius meets him, equipped for an engagement, on horseback, without either chariot or baggage, without his Grecian servants, and, what was more extraordinary, without his wife; while this lyer-in-wait, who had contrived the journey on purpose for an assassination, was in a chariot with his wife, muffled up in his cloak, incumbered with a crowd of servants, and with a feeble and timid train of women and boys. He meets Clodius near his own estate a little before sun-set, and is immediately attacked by a body of men, who throw their darts at him from an eminence, and kill his coachman. Upon which he threw off his cloak, leaped from his chariot, and defended himself with great bravery. In the meantime, Clodius's attendants drawing their swords, some of them ran back to the chariot, in order to attack Milo in the rear, whilst others, thinking that he was already killed, fell upon his servants who were behind: these, being resolute and faithful to their master, were, some of them, slain; whilst the rest, seeing a warm engagement near the chariot, being prevented from going to their master's assistance, hearing besides from Clodius himself that Milo was killed, and believing it to be fact, acted upon this occasion (I mention it not with a view to elude the accusation, but because it was the true state of the case) without the orders, without the knowledge, without the presence of their master, as every man would wish his own servants should act in the like circumstances.

NOTES.

customary for the richer of the Romans to entertain in their houses scholars and philosophers from Greece, who generally accompanied them when they travelled, in order to amuse or instruct them.

(29) *Sine uxore.*] Clodius had for his wife one Fulvia, who was afterwards

married to Antony. She was a perfect fury; such, it is said, was her implacable hatred to Cicero, that, after his death, she vented her impotent rage upon his head, spit upon it; and thrust a bodkin through his tongue.

XI. Haec, sicut exposui, ita gesta sunt, judices: insidiator superatus, vi victa vis, vel potius oppressa virtute audacia est. Nihil dico, quid respublica consecuta sit, nihil quid vos, nihil quid omnes boni: nihil sanè id prosit Miloni, qui hoc fato natus est, ut ne se quidem servare potuerit, quin unà rempublicam, vosque servaret: si id jure non posset, nihil habeo quod defendam; sin hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa praescripsit, ut omnem semper vim, quācunque ope possent, à corpore, à capite, à vita sua propulsarent; non potestis hoc facinus improbum judicare, quin simul judicetis, omnibus qui in latrones inciderint, aut illorum telis, aut vestris sententiis esse pereundum. Quod si ita putâsset; certè optabilius Miloni fuisset dare jugulum P. Clodio, non semel ab illo, neque tum primùm petitum; quâm jugulari à vobis, quia se illi non jugulandum tradidisset. Sin hoc nemo vestrûm ita sentit; illud jam in judicium venit, non, occisusne sit, quod fatemur: sed jure, an injuriâ: quod multis anteâ in causis jam quaesitum est. Insidias factas esse constat: et id est quod senatus contra rempublicam factum judicavit: ab utro factae sint, incertum est; de hoc igitur latum est ut quaereretur. Ita et senatus rem, non hominem notavit, et Pompeius de jure, non de facto, quæstionem tulit.

XII. Nunquid igitur aliud in judicium venit, nisi uter utri insidias fecerit? profectò nihil; si hic illi; ut ne sit impunè: si ille huic; tum nos scelere solvamur. Quonam igitur pacto probari potest, insidias Miloni fecisse Clodium? satis est quidem in illa tam audaci, tam nefaria bellua docere, magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. (30) Itaque illud Cassianum, cui BONO FUERIT? in his personis valeat; etsi boni nullo emolumento impelluntur in fraudem, improbi saepe parvo. Atque, Milone imperfecto, Clodius hoc assequebatur, non modò ut praetor esset, non eo consule, quo sceleris nihil facere posset: sed etiam ut his consulibus praetor

NOTES.

(30) *Itaque illud Cassianum.*] We are told by Asconius, that Cassius was a man of great severity; and that when he was examiner in any case of murder, he always exhorted, nay commanded, the judges to inquire what prospect of ad-

vantage could arise to the murderer from the fact. Valerius Maximus, B. 3. ch. 7. says, that his tribunal, on account of his excessive severity, was called the rock of criminals.

SECT. XI. This, my lords, is a faithful account of the matter of fact: the person who lay in wait was himself overcome, and force subdued by force, or rather audaciousness chastised by true valour. I say nothing of the advantage which accrues to the state in general, to yourselves in particular, and to all good men; I am content to waive the argument I might draw from hence in favour of my client, whose destiny was so peculiar, that he could not secure his own safety, without securing yours and that of the republic at the same time. If he could not do it lawfully, there is no room for attempting his defence. But if reason teaches the learned, necessity the barbarian, common custom all nations in general, and even nature itself instructs the brutes to defend their bodies, limbs, and lives, when attacked, by all possible methods, you cannot pronounce this action criminal, without determining, at the same time, that whoever falls into the hands of a highwayman, must of necessity perish either by his sword or your decisions. Had Milo been of this opinion, he would certainly have chosen to have fallen by the hand of Clodius, who had more than once before this made an attempt upon his life, rather than be executed by your order, because he had not tamely executed himself a victim to his rage. But if none of you are of this opinion, the proper question is, not whether Clodius was killed? for that we grant; but whether justly, or unjustly? an inquiry, of which many precedents are to be found. That a plot was laid, is very evident; and this is what the senate decreed to be injurious to the state; but by which of them laid, is uncertain. This then is the point which the law directs us to inquire into. Thus, what the senate decreed, related to the action, not the man; and Pompey enacted, not upon the matter of fact, but of law.

SECT. XII. Is nothing else therefore to be determined but this single question, which of them waylaid the other? Nothing, certainly. If it appear that Milo was the aggressor, we ask no favour; but if Clodius, you will then acquit us of the crime that has been laid to our charge. What method then can we take to prove that Clodius lay in wait for Milo? It is sufficient, considering what an audacious abandoned wretch he was, to shew that he lay under a strong temptation to it, that he formed great hopes, and proposed to himself great advantages from Milo's death. Let that question of Cassius therefore, *whose interest was it?* be applied to the present case. For though no consideration can prevail upon a good man to be guilty of a base action, yet to a bad man the least prospect of advantage will often be sufficient. By Milo's death, Clodius not only gained his point of being praetor, without that restraint which his adversary's power as consul would have laid upon his wicked designs, but likewise that of being praetor under these con-

esset, quibus si non adjuvantibus, at conniventibus certè sperâsset se posse rempublicam eludere in illis suis cogitatis furoribus; cuius illi conatus, ut ipse ratiocinabatur, nec si possent, reprimere cuperent, cùm tantum beneficium ei se debere arbitrarentur: et, si vellet, fortassè vix possent frangere hominis sceleratissimi corroboratam jam vetustate audaciam. An verò, judices, vos soli ignoratis? vos hospites in hac urbe versamini? vestrae peregrinantur aures, neque in hoc pervagato civitatis sermone versantur, quas ille leges (si leges nominandae sunt, ac non faces urbis et pestes reipublicae) fueroit impositurus nobis omnibus, atque inusturus? Exhibe, quae-so, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse è domo, et ex mediis armis turbaque nocturna, (31) tanquam Palladium, sustulisse, ut praeclarum videlicet munus ac instrumentum tribunatûs ad aliquem, si nactus essem, qui tuo arbitrio tribunatum gereret, deferre posses. Et aspexit me quidem illis oculis, quibus tum solebat, cùm omnibus omnia minabatur; (32) movet me quippe lumen curiae.

XIII. Quid? tu me iratum, Sexte, putas tibi, cuius tu inimicis-
sum multò crudeliùs etiam punitus es, quàm erat humanitatis
meae postulare? Tu P. Clodii cruentum cadaver ejecisti domo: tu
in publicum abjecisti: tu (33) spoliatum imaginibus, exsequiis,
pompâ, laudatione, infelicissimis lignis semiustulatum, nocturnis
canibus dilaniandum reliquisti; quam rem etsi ~~necessariò~~ fecisti,
tamen, quoniam in meo inimico crudelitatem exprompsisti tuam,
laudare non possum, irasci certè non debo. P. Clodii praeturam
non sine maximo rerum novarum metu proponi, et solutam fore
videbatis, nisi esset is consul, qui eam auderet possetque constrin-
gere. Eum Milonem esse cùm sentiret universus populus Roma-
nus, quis dubitaret suffragio suo, se metu, periculo rempublicam
liberare? At nunc, P. Cludio remoto, usitatis jam rebus eniten-
dum est Miloni, ut tueatur dignitatem suam; singularis illa huic
uni concessa gloria, quae quotidie augebatur frangendis furoribus
Clodianis, jam morte Clodii cecidit. Vos adepti estis, ne quem civem

NOTES.

(31) *Tanquam Palladium.*] The Pal-
ladium was a wooden image of Pallas.
The Trojans fancied that it fell from hea-
ven into an uncovered temple, and were
told by the oracle, that Troy could not
be taken whilst that image remained
there. Which being understood by Dio-
medes and Ulysses, they privately stole
into the temple, surprised and slew the
keepers, and carried the image away: it
was brought to Rome, by whom is un-
certain, placed in the temple of Vesta,
and rescued from the flames of that edi-
fice by Metellus the high-priest.

(32) *Movet me quippe lumen curiae.*]
“ Jocus in ambiguo,” says Abramius;
“ innuit enim curiae incendium cùm
“ Sextum Clodium clarissimum senato-
“ rem vocare videatur.”

(33) *Spoliatum imaginibus.*] We are
told by Pliny, that the halls of the great
men amongst the Romans, were adorned
with the images of their deceased friends,
done in wax; and that when any of the family
was to be buried, these images were to be carried along with
the corpse.

suls, by whose connivances at least, if not assistance, he hoped he should be able to betray the state into the mad schemes he had been forming; persuading himself, that as they thought themselves under so great an obligation to him, they would have no inclination to oppose any of his attempts, even if they should have it in their power; and that if they were inclined to do it, they would perhaps be scarce able to controul the most profligate of all men, who had been confirmed and hardened in his audaciousness by a long series of villanies. Are you then, my lords, alone ignorant? are you strangers in this city? Has the report, which so generally obtains in the town, of those laws (if they are to be called laws, and not rather the scourges of the city, and the plagues of the republic) which he intended to have imposed and fixed as a brand of infamy upon us all, never reached your ears? Shew us, I beg of you, Sextus Clodius, shew us that register of your laws, which, they say, you rescued out of his house, and carried off like another Palladium, in the midst of an armed force, and a midnight mob; that you might have an honourable legacy, and ample instructions for some future tribune, who should hold his office under your direction, if such a tribune you could find. Now he casts a look at me, like that he used to assume when he threatened universal ruin. I am indeed struck with that light of the senate.

SECT. XIII. What, Sextus, do you imagine I am angry with you, who have treated my greatest enemy with more severity than the humanity of my temper could have allowed me to have required? You threw the bloody body of P. Clodius out of his house, you exposed it to public view in the streets, you left it by night a prey to the dogs, half consumed with unhallowed wood, stript of its images, and deprived of the usual encomiums and funeral pomp. This, though it is true you did it out of mere necessity, I cannot commend; yet as my enemy was the object of your cruelty, I ought not certainly to be angry with you. You saw there was the greatest reason to dread a revolution in the state from the praetorship of Clodius, unless the man, who hath both courage and power to controul him, were chosen consul. When all the Roman people were convinced that Milo was the man, what citizen could have hesitated a moment about giving him his vote, when by that vote he at once relieved his own fears, and delivered the republic from the utmost danger? But now Clodius is taken off, it requires extraordinary efforts in Milo to support his dignity. That singular honour by which he was distinguished, and which daily increased by his repressing the outrages of the Clodian faction, vanished with the death of Clodius. You have gained this advantage, that there is now no citizen you have to fear; while Milo has lost a fine field for display-

metueretis: hic exercitationem virtutis, suffragationem consulatus, fontem perennem gloriae suae perdidit. Itaque Milonis consulatus, qui vivo Clodio labefactari non poterat, mortuo denique tentari coeptus est. Non modò igitur nihil prodest, sed obest etiam P. Clodii mors Miloni. At valuit odium: fecit iratus, fecit inimicus, fecit ulti^r injuria, punitor doloris sui; quid, si haec, non dico, majora fuerunt in Clodio quam in Milone, sed in illo maxima, nulla in hoc? quid vultis amplius? quid enim odisset Clodium Milo, segetem ac materiam sua gloriae, praeter hoc civile odium, quo omnes improbos odimus? ille erat ut odisset, primùm defensorem salutis meae; deinde vexatorem furoris, domitorem armorum suorum; postremò etiam accusatorem suum; reus enim Milonis (34) lege Plotia fuit Clodius, quoad vixit. Quo tandem animo hoc tyrrannum tulisse creditis? quantum odium illius? et in homine injusto, quam etiam justum?

XIV. Reliquum est, ut jam illum natura ipsius consuetudoque defendat; hunc autem haec eadem coarguant. Nihil per vim unquam Clodius; omnia per vim Milo. Quid ergo, judices? cum moerentibus vobis urbe cessi, judicium-ne timui? (35) non servos, non arma, non vim; quae fuisset igitur causa restituendi mei, nisi fuisset injusta ejiciendi? Diem mihi, credo, dixerat, multam irrogarat, actionem perduellionis intenderat; et mihi videlicet in causa aut vestra mala, aut mea nec praeclarissima etiam judicium timendum fuit. Servorum, et egentium civium et facinorosorum armis meos cives, meis consiliis periculisque servatos, pro me objici nolui. Vidi enim, vidi hunc ipsum (36) Q. Hortensium,

NOTES.

(34) *Lege Plotia.*] This law was enacted by P. Plautius, tribune of the people, anno 675, against those that attempted any force against the state or senate, or used any violence to the magistrates, or appeared armed in public upon any ill design, or forcibly expelled any person from his lawful possession. The punishment assigned to the convicted was aquæ et ignis interdictio.

(35) *Non servos, non arma, non vim.*] When Cicero found himself reduced to the condition of a criminal by one of Clodius's laws, he changed his habit upon it, as was usual in the case of a public impeachment, and appeared about the streets in a sordid or mourning gown, to excite the compassion of his fellow citizens; whilst Clodius, at the head of his mob, contrived to meet and insult him at every turn, reproaching him for his cowardice and dejection, and throwing dirt and stones at him.

(36) *Q. Hortensium, lumen et ornamentum reipublicae.*] This Hortensius was a very celebrated orator; he reigned absolute in the Roman forum, when Cicero first entered it; and as his superior fame was the chief spur to Cicero's industry, so the shining specimen which Cicero soon gave of himself, made Hortensius likewise the brighter for it, by obliging him to exert all the force of his genius to maintain his ground against his young rival. They passed a great part of their lives in a kind of equal contest and emulation of each other's merits; but Hortensius, by the superiority of his years, having first passed through the usual gradation of public honours, and satisfied his ambition by obtaining the highest, began to relax somewhat of his old contention, and give way to the charms of ease and luxury, to which his nature strongly inclined him, till he was forced at last by the general voice of the

ing his valour, the interest that supported his election, and a perpetual source of glory. Accordingly, Milo's election to the consulate, which could never have been hurt while Clodius was living, begins now upon his death to be disputed. Milo, therefore, is so far from receiving any benefit from Clodius's death, that he is really a sufferer by it. But it may be said that hatred prevailed, that anger and resentment urged him on, that he avenged his own wrongs, and redressed his own grievances. Now, if all these particulars may be applied not merely with greater propriety to Clodius than to Milo, but with the utmost propriety to the one, and not the least to the other; what more can you desire? For why should Milo bear any other hatred to Clodius, who furnished him with such a rich harvest of glory, but that which every patriot must bear to all bad men? As to Clodius, he had motives enough for bearing ill-will to Milo; first, as my protector and guardian; then, as the opposer of his mad schemes, and the controller of his armed force; and, lastly, as his accuser. For while he lived, he was liable to be convicted by Milo upon the Plotian law. With what patience do you imagine, such an imperious spirit could bear this? How high must his resentment have risen, and with what justice too, in so great an enemy to justice?

SECT. XIV. It remains now to consider what arguments their natural temper and behaviour will furnish out in defence of the one, and for the conviction of the other. Clodius never made use of any violence, Milo never carried any point without it. What then, my lords, when I retired from this city, leaving you in tears for my departure, did I fear standing a trial? and not rather the insults of Clodius's slaves, the force of arms, and open violence? What reason could there be for restoring me, if he was not guilty of injustice in banishing me? He had summoned me, I know he had, to appear upon my trial; had set a fine upon me, had brought an action of treason against me, and I had reason to fear the event of a trial, in a cause that was neither glorious for you, nor very honourable for myself. No, my lords, this was not the case; I was unwilling to expose my countrymen, whom I had saved by my counsels, and at the hazard of my life, to the swords of slaves, indigent citizens, and a crew of ruffians. For I saw, yes, I myself beheld this very Q. Hortensius, the light and ornament of the re-

NOTES.

city to yield the post of honour to Cicero. He published several orations, which were extant long after his death; and it were much to be wished that they had remained to this day; to enable us to form a judgment of the different talents of these two great men: but they are said

to have owed a great part of their credit to the advantage of his action, which yet was thought to have more of art than was necessary to an orator, so that his compositions were not admired so much by the reader, as they had been by the hearers. He was generally allowed how-

lumen et ornamentum reipublicae, penè interfici servorum manu, cùm mihi adesset: qua in turba C. Vibienus senator, vir optimus, cum hoc cùm esset unà, ita est multatus, ut vitam amiserit. Itaque quādo illius postea sīca illa, quam à Catilina acceperat, conquievit? haec intentata nobis est: huic ego vos objici pro me non sum passus: haec insidiata Pompeio est: haec istam Appiam viam, monumentum sui nominis, nece Pápirii cruentavit: haec, haec eadem longo intervallo conversa rursùs est in me: (37) nuper quidem, ut scitis, me ad régiam penè confecit. Quid simile Milionis? cuius vis omnis haec semper fuit, ne P. Clodius, cùm in judicium detrahi non posset, vi oppressam civitatem teneret; quem si interficere voluisse, quantae, quoties occasiones, quād p̄clarac fuerunt? Potuit-ne, cùm domum ac deos penates suos, illo oppugnante, defenderet, jure se ulcisci? potuit-ne cive egregio et viro fortissimo P. Sextio, collega suo, vulnerato? potuit-ne Q. Fabricio, viro optimo, cùm de reditu meo legem ferret, pulso, crudelissimā in foro caede factā? potuit-ne L. Caecilii, justissimi, fortissimique praetoris, oppugnatā domo? potuit-ne illo die, cùm est lata lex de me? cùm totius Italiae concursus, quem mea salus concitārat, facti illius gloriam libens agnovisset: ut, etiam si id Milo fecisset, cuncta civitas eam laudem pro sua vindicaret?

XV. Atqui erat id temporis clarissimus et fortissimus consul, inimicus Clodio, P. Lentulus, ultior sceleris illius, propugnator senatus, defensor vestrae voluntatis, patronus illius publici consensū, restitutor salutis meae: septem praetores, octo tribuni plebis, illius adversarii, defensores mei: Ch. Pompeius auctor et dux mei redditū, illius hostis: cuius sententiam senatus omnis de salute mea gravissimam et ornatissimam secutus est: qui populum Romanum cohortatus est: qui, (38) cùm de me decretum Capuae fecit, ipse cunctae Italiae cupienti et ejus fidem imploranti sig-

NOTES.

ever, by the antients, and by Cicero himself, to have possessed every accomplishment which could adorn an orator: elegance of style; art of composition; fertility of invention; sweetness of elocution; gracefulness of action. The prodigious strength of his memory is particularly celebrated; a remarkable instance of it is recorded by the elder Seneca. He undertook, it seems, as a proof of its force, to attend a whole day at a public auction, and give an exact account of every thing that was put up to sale, of the price at which it was sold, and of the name of every particular purchaser; and this he accordingly executed, without failing in a single article. Notwithstanding the rivalry between our ora-

tor and him, there was a mutual friendship between them. This harmony, so unusual with those who contend together for the same prize, was greatly owing to the good offices of Atticus; who seems indeed, upon all occasions, to have employed the remarkable influence he had with all parties, in reconciling differences, and cementing friendships.

(37) *Nuper quidem, ut scitis, me ad régiam penè confecit.]* It is not easy to determine on what occasion it was that Clodius made this attack upon Cicero. Asconius imagines that it was under the consulship of Domitius and Messala, when the parties of Hypsaeus and Milo fought in the *sacred way*, and several were killed on the side of Milo.

public, almost murdered by the hands of slaves, while he waited on me; and it was in the same tumult, that C. Vibienus, a senator of great worth, who was in his company, was handled so roughly that it cost him his life. When, therefore, has that dagger, which Clodius received from Catiline, rested in its sheath? It has been aimed at me; but I would not suffer you to expose yourselves to its rage on my account; with it he lay in wait for Pompey, and stained the Appian way, that monument of the Clodian family, with the blood of Papirius. The same, the very same weapon was, after a long distance of time, again turned against me; and you know how narrowly I escaped being destroyed by it lately at the palace. What now of this kind can be laid to Milo's charge? whose force has only been employed to save the state from the violence of Clodius, when he could not be brought to a trial. Had he been inclined to kill him, how often had he the fairest opportunities of doing it? Might he not legally have revenged himself upon him, when he was defending his house and household gods against his assault? Might he not, when that excellent citizen and brave man, P. Sextius, his colleague, was wounded? might he not, when Q. Fabricius, that worthy man, was abused, and a most barbarous slaughter made in the forum, upon his proposing the law for my restoration? might he not, when the house of L. Caecilius, that upright and brave praetor, was attacked? might he not, on that day when the law passed in relation to me? when a vast concourse of people from all parts of Italy, animated with a concern for my safety, would, with joyful voice, have celebrated the glory of the action, and the whole city have claimed the honour of what was performed by Milo alone?

SECT. XV. At that time P. Lentulus, a man of distinguished worth and bravery, was consul; the professed enemy of Clodius, the avenger of his crimes, the guardian of the senate, the defender of your decrees, the support of that public union, and the restorer of my safety: there were seven praetors and eight tribunes of the people in my interest, in opposition to him. Pompey, the first mover and patron of my return, was his enemy; whose important and illustrious decree for my restoration was seconded by the whole senate; who encouraged the Roman people, and when he passed a decree in my favour at Capua, gave the signal to all Italy, solicitous for my safety, and imploring his assistance in my behalf, to repair

NOTES.

(38) *Cum de me decretum Capuae fecit.*] Pompey presided in person, when the inhabitants of Capua, where he had planted a colony, made a decree to Cicero's honour; he took the trouble likewise of

visiting all the other colonies and chief towns in these parts, to appoint them a day of general rendezvous at Rome, to assist at the promulgation of the law for Cicero's return.

num dedit, ut ad me restituendum Romam concurrerent; omnia tum denique in illum odia civium ardebat desiderio mei: quem si qui tum interemisset, non de impunitate ejus, sed de praemiis cogitaretur. Tamen se Milo continuit, et P. Clodium ad judicium bis, ad vim nunquam vocavit. Quid? privato Milone, et reo ad populum, accusante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus est; quae tum non modò occasio, sed etiam causa illius opprimendi fuit? Nuper verò (39) cum M. Antonius summam spem salutis bonis omnibus attulisset, gravissimamque adolescens nobilissimus reipub. partem fortissimè suscepisset, atque illam belluam, judicii laqueos declinantem, jam irretitam tenerit: qui locus, quod tempus illud, dii immortales, fuit? Cum se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit confidere illam pestem nullâ suâ invidiâ, Antonii verò maximâ gloriâ? Quid, comitiis in campo quoties potestas fuit? cum ille vi in septa irruisset, gladios distingendos, lapides jaciendos curâset, deinde subito, vultu Milonis perterritus, fuge-ret ad Tiberim, vos et omnes boni vota faceretis, ut Miloni uti virtute suâ liberet?

XVI. Quem igitur cum omnium gratia noluit; hunc voluit cum aliquorum querela? quem jure, quem loco, quem tempore, quem impunè non est ausus; hunc injuriâ, iniquo loco, alieno tempore, periculo capitris non dubitavit occidere? Praesertim, judices, cum honoris amplissimi contentio, et dies comitiorum subasset; quo quidem tempore (40) (scio enim quād timida sit ambitio, quantaque et quād sollicita cupiditas consulatūs) omnia, non modò quae reprehendi palam, sed etiam quae obscurè cogitari possunt, timemus: rumorem, fabulam fictam, falsam perhorrescimus; ora omnium atque oculos intuemur; nihil enim est tam molle, tam tenerum, tam aut fragile, aut flexibile, quād voluntas erga nos sensusque civium: qui non modò improbitati

NOTES.

(39) Cum M. Antonius summam spem salutis bonis omnibus attulisset.] It is difficult to say what part of Antony's conduct Cicero here refers to. Some commentators imagine, nor is it improbable, that he employed forcible measures in opposition to Clodius, when he was forming a new tribe of the scum of the citizens, and that Cicero refers to this.

(40) Scio enim quād timida sit ambitio, quantaque et quād sollicita cupiditas consulatūs.] Cicero, in this passage, gives

a strong and lively representation of the anxiety that attends a life of ambition in general; but what he says is peculiarly applicable to those who aspired to any public dignity in Rome. For as the people of Rome had much to give, so they expected to be much courted: and, accordingly, the candidates for public offices were obliged to employ various arts to recommend themselves to their favour, and to be extremely careful not to give the least shadow of offence.

in a body to Rome to have my sentence reversed. In a word, the citizens were then so inflamed with rage against him, from their affection to me, that had he been killed at that juncture, they would not have thought so much of acquitting as of rewarding the person by whose hand he fell. And yet Milo so far governed his temper, that though he prosecuted him twice in a court of judicature, he never had recourse to violent measures against him. But what do I say? while Milo was a private person, and stood accused by Clodius before the people, when Pompey was assaulted in the midst of a speech he was making in Milo's favour, what a fair opportunity, and, I will even add, sufficient reason was there for dispatching him? Again, when Mark Antony had, on a late occasion, raised in the minds of all men, the most lively hopes of seeing the state in a happier condition; when that noble youth had bravely undertaken the defence of his country in a most dangerous quarter, and had actually secured that wild beast in the toils of justice, which he endeavoured to avoid; immortal gods! how favourable was the time and place for destroying him? When Clodius concealed himself beneath a dark stair-case, how easily could Milo have destroyed that plague of his country, and thus have heightened the glory of Antony, without incurring the hatred of any? how often was it in his power, while the comitia were held in the field of Mars? When Clodius had forced his way within the inclosure, and his party begun, by his direction, to draw their swords, and throw stones; and then, on a sudden, being struck with terror at the sight of Milo, fled to the Tiber; how earnestly did you, and every good man, wish that Milo had then displayed his valour?

SECT. XVI. Can you imagine then that Milo would choose to incur the ill-will of any, by an action which he forbore when it would have gained him the applause of all? Would he make no scruple of killing him, at the hazard of his own life, without any provocation, at the most improper time and place, whom he did not venture to attack when he had justice on his side, had so convenient an opportunity, and would have run no risk? especially, my lords, when his struggle for the supreme office in the state, and the day of his election was at hand; at which critical season (for I know by experience how timorous ambition is, and what a solicitous concern there is about the consulate) we dread not only the charges that may openly be brought against us, but even the most secret whispers and hidden surmises; when we tremble at every rumour, every false, forged, and frivolous story; when we explore the features, and watch the looks of every one we meet. For nothing is so changeable, so ticklish, so frail, and so flexible, as the inclinations and sentiments of our fellow-citizens upon such

irascuntur candidatorum, sed etiam in rectè factis saepe fastidiunt. Hunc diem igitur campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus prae se ferens et confitens, ad illa augusta centuriarum auspicia veniebat? quām hoc non credibile in hoc? quām idem in Clodio non dubitandum, quin se ille, interfecto Milone, regnaturum putaret? Quid? quod caput audaciae est, judices: quis ignorat, maximam illecebram esse peccandi impunitatis spem? In utro igitur haec fuit? in Milone, qui etiam nunc reus est facti, aut praeclari, aut certè necessarii? an in Clodio, qui ita judicia poenamque contempserat, (41) ut eum nihil delectaret, quod aut per naturam fas esset, aut per leges liceret? Sed quid ego argumentor? quid plura disputo? te, Q. Petilli, appello, optimum et fortissimum civem: te, M. Cato, testor: quos mihi divina quaedam sors dedit, judices. Vos ex M. Favonio audistis, Clodium sibi dixisse, et audistis, vivo Clodio, peritum Milonem triduo; post diem tertium gesta res est, quam dixerat. Cūm ille non dubitaret aperire, quid cogitaret; vos potestis dubitare, quid fecerit?

XVII. Quemadmodum igitur eum dies non fefellit? dixi equidem modò. Dictatoris Lanuvini stata sacrificia nōsse, negotii nihil erat; vidit necesse esse Miloni proficisci Lanuvium illo ipso, quo profectus est, die: itaque antevertit. At quo die? quo, ut antè dixi, fuit insanissima concio ab ipsius mercenario tribuno plebis concitata: quem diem ille, quam concionem, quos clamores, nisi ad cogitatum facinus approperaret, nunquam reliquisset. Ergo illi ne causa quidem itineris, etiam causa manendi: Miloni manendi nulla facultas, exeundi non causa solùm, sed etiam necessitas fuit. Quid, si, ut ille scivit Milonem fore eo die in via, sic Clodium Milo ne suspicari quidem potuit? Primùm quaero, quā scire potuerit? quod vos idem in Clodio quaerere non potestis; ut enim neminem alium, (42) nisi T. Patinam, familiarissimum suum, rogāsset, scire potuit, illo ipso die Lanuvii à dictatore

NOTES.

(41) *Ut eum nihil delectaret, quod aut per naturam fas esset, aut per leges liceret.]* What a dreadful picture our orator here draws of Clodius! And indeed if his character and conduct be duly considered, there will be no reason for thinking it drawn beyond the life. He was certainly one of the most pestilent demagogues that ever disgraced the annals of any state; an open contemner of gods

and men; valuing nothing but in proportion as it was desperate, and above the reach of others; in a word, a most profligate libertine, and audacious villain.

(42) *Nisi T. Patinam, familiarissimum suum.]* Titus Patinas resided in Lanuvium, and was an intimate acquaintance of Clodius.

occasions : they are not only displeased with the dishonourable conduct of a candidate, but are often disgusted with his most worthy actions. Shall Milo then be supposed, on the very day of election, a day which he had long wished for, and impatiently expected, to present himself before that august assembly of the centuries, having his hands stained with blood, publicly acknowledging and proclaiming his guilt ? Who can believe this of the man ? yet who can doubt but that Clodius imagined he should reign without controul, were Milo murdered ? What shall we say, my lords, to that which is the source of all audaciousness ? Does not every one know that the hope of impunity is the grand temptation to the commission of crimes ? Now, which of these two were the most exposed to ~~this~~ ? Milo, who is now upon his trial for an action which must be deemed at least necessary, if not glorious ? or Clodius, who had so thorough a contempt for the authority of the magistrate, and for penalties, that he took delight in nothing that was either agreeable to nature, or consistent with law ? But why should I labour this point so much ? why dispute any longer ? I appeal to you, Q. Petilius, who are a most worthy and excellent citizen ; I call you, Marcus Cato, to witness ; both of you placed on that tribunal by a kind of supernatural direction. You were told by M. Favonius, that Clodius declared to him, and you were told it in Clodius's lifetime, that Milo should not live three days longer. In three days time, he attempted what he had threatened : if he then made no scruple of publishing his design, can you entertain any doubt of it when it was actually carried into execution ?

SECT. XVII. But how could Clodius be certain as to the day ? This I have already accounted for. There was no difficulty in knowing when the dictator of Lanuvium was to perform his stated sacrifices. He saw that Milo was obliged to set out for Lanuvium on that very day. Accordingly he was before hand with him. But on what day ? that day on which, as I mentioned before, a mad assembly was held by his mercenary tribune : which day, which assembly, which tumult he would never have left, if he had not been eager to execute his meditated villainy. So that he had not the least pretence for undertaking the journey, but a strong reason for staying at home ; while Milo, on the contrary, could not possibly stay, and had not only a sufficient reason for leaving the city, but was under an absolute necessity of doing it. Now, what if it appear, that, as Clodius certainly knew Milo would be on the road that day, Milo could not so much as suspect the same of Clodius ? First, then, I ask, which way he could come at the knowledge of it ? a question which you cannot put with respect to Clodius : for, had he applied to nobody else, T.

Milone prodi flaminem necesse esse; sed erant permulti alii, ex quibus id facillimè scire posset, omnes scilicet Lanuvini. Milo de Clodii reditu unde quaesivit? quaesierit sanè. Videte, quod vobis largiar; servum etiam, ut Arrius, meus amicus, dixit, corruperit. Legite testimonia testium vestrorum; dixit C. Cassinius, cognomento Scola, Interamnas, familiarissimus et idem comes P. Clodii, (cujus jampridem testimonio Clodius eadē horā (43) Interamnae fuerat et Romae,) P. Clodium illo die in Albano mansurum fuisse; sed subitò ei esse nuntiatum, (44) Cyrum architectum esse mortuum: itaque Romam repente constituisse proficisci; dixit hoc comes item P. Clodii, C. Clodius.

XVIII. Videte, judices, quantae res his testimoniis sint conjectae. Primum certè liberatur Milo, non eo consilio profectus esse, ut insidiaretur in via Cladio: quippe qui ei obvius futurus omnino non erat; deinde (non enim video, cur non meum quoque agam negotium) scitis, judices, fuisse, qui in hac rogatione suadenda dicerent Milonis manu caedem esse factam, consilio verò majoris alicujus. Videlicet me latronem ac sicarium abjecti homines et perditū describebant. Jacent suis testibus ii, qui Clodium negant eo die Roman, nisi de Cyro auditum esset, redditum fuisse. Respiravi: liberatus sum: non vereor, ne, quod ne suspicari quidem potuerim, videar id cogitasse. Nunc persequar caetera; nam occurrit illud; igitur-ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus, siquidem exiturus ad caedem è villa non fuisse; video enim illum, qui dicitur de Cyri morte nuntiassè, non id nuntiassè, sed Milonem appropinquare; nam quid de Cyro nuntiaret, quem Clodius Remā proficiscens reliquerat morientem? unā fui: testamentum simul obsignavi cum Cladio: testamentum autem palam fecerat, et illum haeredem et me scripserat: quem pridie horā tertiam animam efflantem reliquisset, eum mortuum postridie horā decimā denique ei nuntiabatur?

NOTES.

(43) *Interamnae fuerat.*] Interamna was a city of Umbria; and was so called, because it was situated between two rivers. The moderns call it Term.

(44) *Cyrum architectum esse mortuum.*]

Cicero makes mention of this Cyrus in his letters to Atticus, and to his brother Quintus; but we have no account of him in history.

Patinas, his intimate friend, could have informed him, that Milo, as being dictator of Lanuvium, was obliged to create a priest there on that very day. Besides, there were many other persons, all the inhabitants of Lanuvium indeed, from whom he might have very easily had this piece of intelligence. But of whom did Milo inquire of Clodius's return? I shall allow, however, that he did inquire; nay, I shall grant farther, with my friend Arrius, so liberal am I in my concessions, that he corrupted a slave. Read the evidence that is before you: C. Cassinius of Interamna, surnamed Scola, an intimate friend and companion of P. Clodius, who swore on a former occasion, that Clodius was at Interamna and at Rome at the same hour, tells you that P. Clodius intended to have spent that day at his seat near Alba; but that hearing very unexpectedly of the death of Cyrus the architect, he determined immediately to return to Rome. The same evidence is given in by C. Clodius, another companion of P. Clodius.

SECT. XVIII. Observe, my lords, how much this evidence makes for us. In the first place, it plainly appears, that Milo did not undertake his journey with a design to waylay Clodius, as he could not have the least prospect of meeting him. In the next place, (for I see no reason why I should not likewise speak for myself), you know, my lords, there were persons who, in their zeal for carrying on this prosecution, did not scruple to say, that though the murder was committed by the hand of Milo, the plot was laid by a more eminent person. In a word, those worthless and abandoned wretches represented me as a robber and an assassin. But this calumny is confuted by their own witnesses, who deny that Clodius would have returned to Rome that day, if he had not heard of the death of Cyrus. Thus I recover my spirits; I am acquitted, and am under no apprehensions, lest I should seem to have contrived what I could not so much as have suspected. Proceed I now to their other objections: Clodius, say they, had not the least thought of waylaying Milo, because he was to have remained at Albanum, and would never have gone from his country-seat to commit a murder. But I plainly perceive, that the person who is pretended to have informed him of Cyrus's death, only informed him of Milo's approach. For why inform him of the death of Cyrus, whom Clodius, when he went to Rome, left expiring? I was with him, and sealed up his will along with Clodius; for he had publicly made his will, and appointed Clodius and me his heirs. Was a messenger sent him then by four o'clock the next day, to acquaint him with the death of a person whom but the day before at nine in the morning he had left breathing his last?

XIX. Age, sit ita factum : quae causa, cur Romam properaret ? cur in noctem se conjiceret ? quid afferebat festinatio ? quod haeres erat ? primùm erat nihil, cur properato opus esset : deinde, si quid esset, quid tandem erat, quod eā nocte consequi posset ; amitteret autem, si postridic mane Romam venisset ? Atque ut illi nocturnus ad urbem adventus vitandus potiūs, quām expetendus fuit : sic Miloni, cūm insidiator esset, si illum ad urbem noctū accessurum sciebat, subsistendum atque exspectandum fuit. Noctu, invidioso et pleno latronum in loco occidisset; nemo ei neganti non credidisset, quem esse omnes salvum, etiam confitentem, voluit. Sustinuissest hoc crimen primūm (45) ipse ille latronum occultator, et receptator locus, dum neque muta solitudo indicasset, neque caeca nox ostendisset Milonem : deinde ibi multi ab illo violati, spoliati, bonis expulsi, multi etiam hacc timentes in suspicionem caderent : tota denique rea citaretur Etruria. Atque dic illo certè Ariciā rediens devertit Clodius ad Albanum : quod ut sciret Milo illum Ariacae fuisse, suspicari tamen debuit, eum, etiam si Romam illo die reverti vellet, ad villam suam, quae viam tangeret, diversurum ; cur neque antē occurrit, ne in villa resideret ; nec eo in loco subsedit, quo ille noctu venturus esset ? Video adhuc constare omnia, judices : Miloni etiam utile fuisse, Clodium vivere ; illi, ad ea quae concupierat, optatissimum interitum Milonis fuisse : odium fuisse illius in hunc acerbissimum, in illum hujus nullum : consuetudinem illius perpetuam in vi inferenda ; hujus tantum in repellenda : mortem ab illo denuntiatam Miloni, et praedicatam palam ; nihil unquam auditum ex Milone : profectionis hujus diem illi notum, redditum illius huic ignotum fuisse : hujus iter necessarium ; illius etiam potiū alienum : hunc prae se tulisse se illo die Romā extitum ; illum eo die se dissimulasse redditum : hunc nullius rei mutasse consilium ; illum causam mutandi consilii finxisse : huic, si insidiaretur, noctem prope urbem exspectandam ; illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

NOTES.

(45) *Ipse ille latronum occultator, et receptator locus.*] In the Appian way stood the tomb of one Basilius; a place which had become famous for the many murders committed at it.

SECT. XIX. Allowing it however to be so, what reason was there for hurrying back to Rome? for what did he travel in the night time? what occasioned all this dispatch? Was it because he was the heir? In the first place, this required no hurry; and, in the next, if it had, what could he have got that night, which he must have lost, had he come to Rome only next morning? And as a journey to town in the night was rather to be avoided than desired by Clodius, so if Milo had formed any plot against his enemy, and had known that he was to return to town that evening, he would have stopped and waited for him. He might have killed him by night in a suspicious place, infested with robbers. Nobody could have disbelieved him if he had denied the fact, since even after he has confessed, every one is concerned for his safety. First of all, the place itself would have been charged with it, being a haunt and retreat for robbers, while the silent solitude and shades of night must have concealed Milo; and then, as such numbers had been assaulted and plundered by Clodius, and so many others were apprehensive of the like treatment, the suspicion must naturally have fallen upon them; and, in short, all Etruria must have been prosecuted. But it is certain that Clodius, in his return that day from Aricia, called at Albanum. Now, though Milo had known that Clodius had left Aricia, yet he had reason to suspect that he would call at his seat, which lies upon the road, even though he was that day to return to Rome. Why then did he not either meet him sooner, and prevent his reaching it, or post himself where he was sure Clodius was to pass in the night time? Thus far, my lords, every circumstance concurs to prove that it was for Milo's interest Clodius should live: that, on the contrary, Milo's death was a most desirable event for answering the purposes of Clodius: that, on the one side, there was a most implacable hatred, on the other, not the least; that the one had been continually employing himself in acts of violence, the other only in opposing them; that the life of Milo was threatened, and his death publicly foretold by Clodius, whereas nothing of that kind was ever heard from Milo; that the day fixed for Milo's journey was well known to his adversary, while Milo knew nothing when Clodius was to return; that Milo's journey was necessary, but that of Clodius rather the contrary; that the one openly declared his intention of leaving Rome that day, while the other concealed his intention of returning; that Milo made no alteration in his measures, but that Clodius feigned an excuse for altering his; that if Milo had designed to waylay Clodius, he would have waited for him near the city till it was dark, but that Clodius, even if he had been under no apprehensions from Milo, ought to have been afraid of coming to town so late at night.

XX. Videamus nunc id, quod caput est: locus ad insidias ille ipse, ubi congressi sunt, utri tandem fuerit aptior? Id verò, judices, etiam dubitandum, et diutiùs cogitandum est? ante fundum Clodii: quo in fundo propter insanias illas substructiones facilè mille hominum versabatur valentium? edito atque excuso loco superiorem se fore putabat Milo, et ob eam rem eum locum ad pugnam potissimum delegerat? an in eo loco est potius exspectatus ab eo, qui ipsius loci spe facere impetum cogitārat? Res loquitur, judices, ipsa; quae semper valet plurimū: si haec non gesta audiretis, sed picta videretis; tamen appareret, uter esset insidiator, uter nihil cogitaret mali: cùm alter veheretur in rheda penulatus, unā sederet uxor; quid horum non impeditissimum? vestitus, an vehiculum, an comes? quid minùs promptum ad pugnam? cùm penulā irretitus, rhedā impeditus, uxore penè constrictus esset. Vide nunc illum, primū egredientem è villa subito; cur? vesperi: quid necesse est? tardè: quā convenit, praesertim id temporis? Divertit in villam Pompeii. Pompeium ut videret? sciebat in Alsiensi esse; villam ut perspiceret? millies in ea fuerat: quid ergo erat morae et tergiversationis? dum hic veniret, locum relinquere noluit.

XXI. Age nunc, iter expediti latronis cum Milonis impedimentis comparete. Semper ille anteā cum uxore; tum sine ea: nunquam non in rheda; tum in equo: comites Graeculi, quocunque ibat, (46) etiam cùm in castra Etrusca properabat; tum nugarum in comitatu nihil. Milo, qui nunquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges: ille, qui semper secum scorta, semper exoletos, semper lupas duceret; tum neminem, nisi ut virum à viro lectum esse diceres. Cur igitur victus est? quia non semper viator à latrone, nonnunquam etiam latro à via-tore occiditur: quia, quanquam paratus in imparatos Clodius, tamen mulier inciderat in viros: nec verò sic erat unquam non paratus Milo contra illum, ut non satis ferè esset paratus; semper ille, et quantum interesset P. Clodii se perire, et quanto illi odio esset,

NOTES.

(46) *Etiā cùm in castra Etrusca properabat.*] Cicero frequently charges Clodius with having had a share in Catiline's conspiracy; and this is what he refers to here. For Clodius, as we are told by

Asconius, left Rome in order to join the camp of Catiline, when it lay at Fesulae in Tuscany; but after he had set out, he repented, and returned to the city.

SECT. XX. Let us now consider the principal point, whether the place where they encountered was most favourable to Milo, or to Clodius. But can there, my lords, be any room for doubt, or for any farther deliberation upon that: it was near the estate of Clodius, where at least a thousand able-bodied men were employed in his mad schemes of building. Did Milo think he should have an advantage by attacking him from an eminence, and did he for this reason pitch upon that spot for the engagement? or was he not rather expected in that place by his adversary, who hoped the situation would favour his assault? The thing, my lords, speaks for itself, which must be allowed to be of the greatest importance in determining a question. Were the affair to be represented only by painting, instead of being expressed by words, it would even then clearly appear which was the traitor, and which was free from all mischievous designs. When the one was sitting in his chariot muffled up in his cloak, and his wife along with him; which of these circumstances was not a very great incumbrance? the dress, the chariot, or the companion? How could he be worse equipped for an engagement when he was wrapt up in a cloak, embarrassed with a chariot, and almost fettered by his wife? Observe the other now, in the first place, sallying out on a sudden from his seat; for what reason? in the evening; what urged him? late; to what purpose, especially at that season? He calls at Pompey's seat; with what view? To see Pompey? he knew he was at Alsium. To see his house? he had been in it a thousand times. What then could be the reason of this loitering and shifting about? he wanted to be upon the spot when Milo came up.

SECT. XXI. Now please to compare the travelling equipage of a determined robber, with that of Milo. Clodius, before that day, always travelled with his wife; he was then without her: he never used to travel but in his chariot; he was then on horseback: he was attended with Greeks wherever he went, even when he was burrying to the Tuscan camp; at that time he had nothing insignificant in his retinue. Milo, contrary to his usual manner, happened then to take with him his wife's singers, and a whole train of her women: Clodius, who never failed to carry his whores, his catamites, and his bawds along with him, was then attended by none but those who seemed to be picked out by one another. How came he then to be overcome? because the traveller is not always killed by the robber, but sometimes the robber by the traveller; because, though Clodius was prepared, and fell upon those who were unprepared, yet Clodius was but a woman, and they were men. Nor indeed was Milo ever so little unprepared, as not to be a match for him almost at any time. He was always sensible how much it was

et quantum ille auderet, cogitabat; quamobrem vitam suam, quam maximis praemiis propositam et penè addictam sciebat, nunquam in periculum sine praesidio et sine custodia projiciebat. Adde causus, adde incertos exitus pugnarum, Martemque communem; qui saepe spoliantem jam et exsultantem evertit et perculit ab abjecto: adde inscitiam pransi, poti, oscitantis ducis; qui cùm à tergo hostem interclusum reliquisset, nihil de ejus extremis comitibus cogitavit: in quos incensos irâ vitamque domini desperantes cùm incidisset, haesit in iis poenis, quas ab eo servi fideles pro domini vita expetiverunt. (47) Cur igitur eos manumisit? metuebat scilicet ne indicarent: ne dolorem perfesse non possent: ne tormentis cogerentur, occisum esse à servis Milonis in Appia via P. Clodium confiteri. Quid opus est tortore? quid quaeris? occideritne? occidit: jure, an injuriâ, nihil ad tortorem; facti enim in eculeo quaestio est, juris in judicio.

XXII. Quod igitur in causa quaerendum est, id agamus hic: quod tormentis invenire vis, id fatemur. Manu verò cur miserit, si id potius quaeris, quām cur parūm amplis affecerit praemiis; nec scis inimici factum reprehendere; dixit enim hic idem, (48) qui omnia semper constanter et fortiter, M. Cato; dixitque in turbulenta concione, quae tamen hujus auctoritate placata est, non libertate solum, sed etiam omnibus praemiis dignissimos fuisse, qui domini caput defendissent. Quod enim praemium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? etsi id quidem non tanti est, quām quòd propter eosdem non san-

NOTES.

(47) *Cur igitur eos manumisit.*] The ceremony of manumission was thus performed: The slave was brought before the praetor, by his master, who, laying his hand upon his servant's head, said to the praetor, *Hunc hominem liberum esse volo;* and with that let him go out of his hand, which they termed *e manu emittere.* Then the praetor, laying a rod upon his head, called *vindicta,* said,

Dico eum liberum esse more Quiritum.
Hence Persius,

Vindicta postquam meus a praetore recessi.

After this, the lictor taking the rod out of the praetor's hand, struck the servant several blows on the head, face and back; and nothing now remained but *pileo donari,* to receive a cap in token of liberty, and to have his name entered in the common roll of freemen, with the reason of his obtaining that favour.

(48) *Qui omnia semper constanter et fortiter, M. Cato.*] The character here given by our orator of this illustrious

Roman, is not drawn beyond the life, but copied from nature, and founded upon truth and justice. It will be extremely difficult, if not absolutely impossible, to find, in the whole annals of profane history, a character more eminently distinguished for steadiness and consistency of conduct than that of Cato, who passed the whole of his life in the noblest occupation of which human nature is capable. All the parts of this great man's conduct, to use the words of the ingenious Mr Melmoth, accord with each other, and are the regular result of one steady and invariable principle.

— *Patriae—impendere vitam;*
Nec sibi, sed toti genitum se credere mundo.

This was the glorious object of his ambition, from his first appearance in the world, to the last moment of his life; and he undauntedly pursued it through all the various insults and opposition that Caesar, Crassus, and Pompey, could contrive to traverse and perplex his way.

Clodius's interest to get rid of him, what an inveterate hatred he bore to him, and what audacious attempts he was capable of; and therefore, as he knew that a price was set upon his life, and that it was in a manner devoted to destruction, he never exposed it to any danger without a guard. Add to this the effect of accidents, the uncertain issue of all combats, and the common chance of war, which often turns against the victor, even when ready to plunder and triumph over the vanquished. Add the unskilfulness of a gluttonous, drunken, stupid leader, who, when he had surrounded his adversary, never thought of his attendants that were behind; from whom, fired with rage, and despairing of their master's life, he suffered the punishment which those faithful slaves inflicted in revenge for their master's death. Why then did he give them their freedom? He was afraid, I suppose, lest they should betray him, lest they should not be able to endure pain, lest the torture should oblige them to confess that P. Clodius was killed by Milo's servants on the Appian way. But what occasion for torture? what ~~were~~ you to extort? If Clodius was killed? he was: but whether lawfully or unlawfully, can never be determined by torture. When the question relates to the matter of fact, we may have recourse to the executioner; but when to a point of equity, the judge must decide.

SECT. XXII. Let us, then, here examine into what is to be the subject of inquiry in the present case; for as to what you would extort by torture, we confess it all. But if you ask why he gave them their freedom, rather than why he bestowed so small a reward upon them, it shews that you do not even know how to find fault with this action of your adversary. For M. Cato, who sits on this bench, and who always speaks with the utmost resolution and steadiness, said, and said it in a tumultuous assembly, which however was quelled by his authority, that those who had defended their master's life, well deserved, not only their liberty, but the highest rewards. For what reward can be great enough for such affectionate, such worthy and faithful servants, to whom their master is indebted for his life? and, which is yet a

NOTES.

It has been often said, indeed, that he did not discover great abilities in the general tenor of his public conduct; that he did not make sufficient allowances for the temper of the Romans, among whom luxury had long prevailed, and corruption was openly practised; that he was incapable of employing those seeming compliances that are reconcileable to the greatest steadiness; and that he treated

a crazy constitution unskilfully. How much truth there is in all this, we shall not take upon us to determine: thus much, however, is unquestionable, that if his head was not one of the best, his heart certainly was: that he possessed the patriot virtues in their highest perfection: and that, as Lord Bolingbroke justly observes, *if he could not save, he prolonged the life of liberty.*

guine et vulneribus suis crudelissimi inimici mentem oculosque satiavit; quos nisi manumisisset, tormentis etiam dedendi fuis- sent, conservatores domini, ultores sceleris, defensores necis. Hic verò nihil habet in his malis, quod minùs molestè ferat, quām, etiam si quid ipsi accidat, esse tamen illis meritum praemium persolutum. Sed quaestiones urgent Milonem, (49) quae sunt habitae nunc in atrio Libertatis; quibusnam de servis? rogas? de P. Clodii; quis eos postulavit? Appius; quis produxit? Ap- pius; unde? ab Appio. Dii boni! quid potest agi severius? De servis nulla quaestio est in dominum, nisi de incestu, ut fuit in Clodium; proximè deos accessit Clodius, (50) propius quām tum, cùm ad ipsos penetrārat: cujus de morte, tanquam de caeremoniis violatis quaeritur. Sed tamen majores nostri in dominum de servo quaeri noluerunt, non quia non posset verum inveniri, sed quia videbatur indignum esse, et dominis morte ipsā tristius. In reum de servis accusatoris cùm quaeritur, verum inveniri potest? Age verò, quae erat, aut qualis quaestio? heus ubi Ruscio, ubi Casca? Clodius insidias fecit Miloni? fecit; certa crux: nullas fecit; sperata libertas. Quid hāc quaestione certius? subitò ar- repti in quaestionem, tamen separantur à caeteris, et in arcas con- jiciuntur, ne quis cum iis colloqui possit; hi centum dies penes accusatorem cùm fuissent, ab eo ipso accusatore producti sunt: quid hāc quaestione dici potest integrius? quid incorruptius?

XXIII. Quòd si nondum satis cernitis, cùm res ipsa tot tam claris argumentis signisque luceat, purā mente atque integrā Mi-

NOTES.

(49) *Quac sunt habitae nunc in atrio Libertatis.*] Cicero, in his second book, *De Natura Deorum*, informs us, that the ancient Romans worshipped *Liberty* as a goddess. Sempronius Gracchus caused a temple to be erected to her on the Aventine hill, out of the money raised by fines, as we are told by *Livy*, l. 24.

(50) *Propius quām tum, cùm ad ipsos penetrārat.*] The orator refers here to what he mentions in a variety of places, viz. Clodius's polluting the mysteries of the *Bona Dea*. Of this goddess, and the sacrifices offered to her, Cicero speaks thus in his oration concerning the *answers of the Aruspices*: "What sacrifice is there so ancient as that which has been handed down to us from our first kings, and is coeval with Rome herself? what sacrifice is there so private and secret as that which is concealed, not only from the eyes of the curious and inquisitive, but from the sight of all men, and whither neither the most profigate wickedness nor impudence

" ever yet presumed to enter? This sacrifice no man except Clodius was ever so impious as to violate; no man but Clodius ever thought, without the utmost horror, of assisting at it. This sacrifice, which is performed by the vestal virgins, which is performed for the prosperity of the Roman people, which is performed in the house of the chief magistrate, celebrated with unknown ceremonies, and in honour of a goddess, whose very name to know is sacrilege; this sacrifice Clodius profaned," &c. Plutarch takes the *good goddess* to be the same with the *Gynaecae* of the Greeks, that is, with the goddess of the women; and adds, that the Phrygians, who claimed a particular title to her, said she was mother to Midas; that the Romans pretended she was one of the Dryads, and married to Faunus; and that the Greeks affirmed she was mother to Bacchus. It is said that Caesar's wife, Pompeia, entertained a strong inclination for Clodius; and that, being

higher obligation, to whom he owes it, that his most inveterate enemy has not feasted his eyes, and satiated his wishes, with the sight of his mangled bloody corse; who, if they had not been made free, these deliverers of their master, these avengers of guilt, these defenders of innocent blood, must have been put to the torture. It is matter, however, of no small satisfaction to him, under his present misfortunes, to reflect that, whatever becomes of himself, he has had it in his power to reward them as they deserved. But the torture that is now inflicting in the porch of the temple of Liberty, bears hard upon Milo. Upon whose slaves is it inflicted? do you ask? on those of P. Clodius. Who demanded them? Appius. Who produced them? Appius. From whence came they? from Appius. Good gods! can any thing be more severe? Servants are never examined against their masters but in cases of incest, as in the instance of Clodius, who now approaches nearer the gods, than when he made his way into their very presence; for the same inquiry is made into his death, as if their sacred mysteries had been violated. But our ancestors would not allow a slave to be put to the torture for what affected his master, not because the truth could not thus be discovered, but because their masters thought it dishonourable, and worse than death itself. Can the truth be discovered when the slaves of the prosecutor are brought as witnesses against the person accused? Let us hear, now, what kind of an examination this was. Call in Ruscio, call in Casca. Did Clodius waylay Milo? He did: drag them instantly to execution. He did not: let them have their liberty. What can be more satisfactory than this method of examination? They are hurried away on a sudden to the rack; but are confined separately, and thrown into dungeons, that no person may have an opportunity of speaking to them: at last, after having been, for a hundred days, in the hands of the prosecutor, he himself produces them. What can be more fair and impartial than such an examination?

SECT. XXIII. But if, my lords, you are not yet convinced, though the thing shines out with such strong and full evidence, that Milo returned to Rome with an innocent mind, unstained

NOTES.

narrowly watched at home by the virtuous Aurelia, Cæsar's mother, and by his sister Julia, who entertained some suspicions of her, she could find no other opportunity of meeting him, but at a solemn feast, which was to be celebrated in her husband's house, in honour of the *Bona Dea*. In order to gain access to his mistress, Clodius dressed himself in a woman's habit, and, by the benefit of his smooth face, and the introduction of one of the maids, who was in the secret, hop-

ed to pass without discovery; but by some mistake between him and his guide, he lost his way when he came within the house, and fell in unlucky among the other female servants; who detecting him by his voice, alarmed the whole company by their shrieks, to the great amazement of the matrons; who presently threw a veil over the sacred mysteries, while Clodius found means to escape by the favour of some of the damsels.

lonem, nullo scelere imbutum, nullo metu perterritum, nullâ conscientiâ exanimatum, Romam revertisse; recordamini, per deos immortales, quae fuerit celeritas redditus ejus: qui ingressus in forum ardente curiâ: quae magnitudo animi; qui vultus; quae oratio. Neque verò se populo solùm, sed etiam senatui commisit: neque senatui modò, sed etiam publicis praesidiis et armis: neque his tantùm, (51) verùm etiam ejus potestati, cui senatus totam rempublicam, omnem Italiae pubem, cuncta populi Rom. arma commiserat; cui se nunquam hic profectò tradidisset, nisi causae suae consideret; praesertim omnia audienti, magna metuenti, multa suspicant, nonnulla credenti. Magna vis est conscientiae, judices, et magna in utramque partem: ut neque timeant, qui nihil commiserint, et poenam semper ante oculos versari putent, qui peccârint. Neque verò sine ratione certâ causa Milonis semper à senatu probata est; videbant enim sapientissimi homines facti rationem, praesentiam animi, defensionis constantiam. An verò oblii estis, judices, recenti illo nuncio necis Clodianae, non modò inimicorum Milonis sermones et opinones, sed nonnullorum etiam imperitorum, qui negabant eum Romam esse redditum? Sive enim illud animo irato ac percito fecisset, ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodii putâsse, ut aequo animo patriâ careret, cum sanguine inimici explâsset odium suum: sive etiam illius morte patriam liberare voluisse, non dubitaturum fortè virum, quin, cum suo periculo salutem reipublicae attulisset, cederet aequo animo legibus, secum auferret gloriam sempiternam, nobis haec fruenda relinqueret, quae ipse servâsset. Multi etiam Catilinam, atque illa portenta loquebantur: ERUMPET, occupabit aliquem locum, bellum patriae faciet. Miseros interdum cives optimè de republica meritos, in quibus homines non modò res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur! Ergo illa falsa fuerunt: quae certè vera extitissent, si Milo admisisset aliquid, quod non posset honestè veréque defendere.

XXIV. Quid, quae posteà sunt in eum congesta? quae quemvis etiam mediocrum delictorum conscientiâ perculissent, ut susti-

NOTES.

(51) *Verum etiam ejus potestati.*] Pompey is here meant, to whom the senate gave an unlimited commission to see

that the republic should receive no detriment, either from Milo, or the Clodian faction.

with guilt, undisturbed by fear, and free from the accusations of conscience, call to mind, I beseech you, by the immortal gods, the expedition with which he came back, his entrance into the forum while the senate-house was in flames, the greatness of soul he discovered, the look he assumed, the speech he made on the occasion. He delivered himself up, not only to the people, but even to the senate; nor to the senate alone, but even to the guards appointed for the public security: nor merely to them, but even to the authority of him whom the senate had entrusted with the care of the whole republic, the youth of Italy, and all the military force of Rome: to whom he would never have delivered himself, if he had not been confident of the goodness of his cause, especially as that person heard every report, was apprehensive of very great danger, had many suspicions, and gave credit to some stories. Great, my lords, is the force of conscience; great both in the innocent and the guilty: the first have no fears, while the other imagine their punishment is continually before their eyes. Nor indeed is it without good reason that Milo's cause has ever been approved by the senate; for those wise men perceived the justice of his cause, his presence of mind, and the resolution with which he made his defence. Have you forgot, my lords, when the news of Clodius's death had reached us, what were the reports and opinions that prevailed, not only amongst the enemies of Milo, but even amongst some other weak persons, who affirmed that Milo would not return to Rome? For if he committed the fact in the heat of passion, from a principle of resentment, they imagined he would look upon the death of P. Clodius as of such consequence, that he could be content to go into banishment, after having sated his revenge with the blood of his enemy; or, if he put him to death with a view to the safety of his country, they were of opinion that the same brave man, after he had saved the state, by exposing his own life to danger, would cheerfully submit to the laws, and, leaving us to enjoy the blessings he had preserved, be satisfied himself with immortal glory. Others talked in a more frightful manner, and called him a Catiline: he will break out, said they; he will seize some strong place; he will make war upon his country. How wretched is often the fate of those citizens who have done the most important services to their country! their noblest actions are not only forgot, but they are even suspected of the most impious. These suggestions, therefore, were groundless: yet they must have proved too well founded, had Milo done any thing that could not be defended with truth and justice.

SECT. XXIV. Why should I mention the calumnies that were afterwards heaped upon him? And though they were such as

nuit? dii immortales! sustinuit? immo verò ut contempsit, ac pro nihilo putavit? quae neque maximo animo nocens, neque innocens, nisi fortissimus vir, negligere potuisse. Scutorum, gladiorum, frenorum, sparorum, pilorumque etiam multitudo deprehendi posse judicabatur: nullum in urbe vicum, nullum angipotum esse dicebant, in quo Miloni non esset conducta domus: arina in villam Oriculanam devecta Tiberi: domus in clivo Capitolino scutis referta; (52) plena omnia malleolorum ad urbis incendia comparatorium. Haec non delata solum, sed penè credita: nec antè repudiata sunt, quam quaesita. (53) Laudabam e quidem incredibilem diligentiam Cn. Pompeii: sed dicam, ut sentio, judices; nimis multa audire coguntur, neque aliter facere possunt ii, quibus tota commissa est res publica; quin etiam audiendus sit (54) Popa Licinius nescio quis de circu maximo, servos Milonis apud se ebrios factos, sibi confessos esse, de interficiendo Cn. Pompeio conjurasse: deinde postea se gladio percussum esse ab uno de illis, ne indicaret. Pompeio in hortos nuntiavit; arcensor in primis; de amicorum sententia rem defert ad senatum; non poteram in illius mei patriaeque custodis tantâ suspicione non metu examinari: sed mirabar tamen credi popae; [ebriosorum] confessionem servorum audiri; vulnus in latere, quod acu punctum videretur, pro ictu gladiatoris putare. Verum tamen, ut intelligo, cavebat magis Pompeius, quam timebat, non ea solum quae timenda erant, sed omnino omnia, ne aliquid vostimeretis. Oppugnata domus C. Caesaris, clarissimi et fortissimi viri, per multas noctis horas nuntiabatur. (55) Nemo audierat tam celebri loco, nemo senserat: tamen audiebatur. Non poteram Cn. Pompeium, praestantissimâ virtute civem, timidum suspicari: diligentiam, totâ republicâ susceptâ, nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inventus est, qui Milonem cum telo esse diceret; nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem non faciebat, ut, eo tacente, res ipsa loqueretur.

NOTES.

(52) *Plena omnia malleolorum.*] *Malleoli*, according to *Nomius*, were small bundles of broom, covered over with pitch; which being kindled, were thrown on walls, or the roofs of houses. The word is sometimes used in a general sense, to signify any thing combustible.

(53) *Laudabam e quidem incredibilem diligentiam Cn. Pompeii.*] The beautiful manner in which our orator here speaks of the conduct and pretended fears of Pompey, is a clear proof of his talent for fine and masterly raillery.

(54) *Popa Licinius nescio quis de circu maximo.*] *De circu maximo*, id est, de ple-

be sacrificiorum; sic enim solebant de vi toribus hominibus loqui; says the Dauphin annotator. And indeed Suetonius informs us, that there was a set of abandoned wretches who lived near the *circus maximus*, of whom probably this Licinius was one. Popa was a priest, or butcher, who slew the sacrifices, and offered them up when slain.

(55) *Nemo audierat tam celebri loco.*] Caesar, from the time he was made *pontifex maximus*, lived in a large house in the *via sacra*, which was not far from the forum.

would have filled any breast with terror that had the least consciousness of guilt, yet how he bore them ! Immortal gods ! bore them, did I say ? nay, how he despised and set them at nought ! though a guilty person, even of the greatest courage, not an innocent person, unless endued with the greatest fortitude, could never have neglected them. It was whispered about, that a vast number of shields, swords, bridles, darts, and javelins, might be found ; that there was not a street nor lane in the city, where Milo had not hired a house ; that arms were conveyed down the Tiber to his seat at Oericulum ; that his house on the Capitoline hill was filled with shields ; and that every other place was full of hand-grenades for firing the city. The stories were not only reported, but almost believed ; nor were they looked upon as groundless till after a search was made. I could not indeed but applaud the wonderful diligence of Pompey upon the occasion : but, to tell you freely, my lords, what I think ; those who are charged with the care of the whole republic, are obliged to hear too many stories ; nor indeed is it in their power to avoid it. He could not refuse an audience to a paltry fellow of a priest, Licinius I think he is called, who gave information that Milo's slaves, having got drunk at his house, confessed to him a plot they had formed to murder Pompey ; and that afterwards one of them had stabbed him, to prevent his discovering it. Pompey received this intelligence at his gardens. I was sent for immediately, and by the advice of his friends the affair was laid before the sénate. I could not help being in the greatest consternation, to see the guardian both of me and my country under so great an apprehension ; yet I could not help wondering that such credit was given to a butcher, that the confessions of a parcel of drunken slaves should be read ; and that a wound in the side, which seemed to be the prick only of a needle, should be taken for the thrust of a gladiator. But, as I understand, Pompey was showing his caution, rather than his fear ; and was disposed to be suspicious of every thing, that you might have reason to fear nothing. There was a rumour also, that the house of C. Caesar, so eminent for his rank and courage, was attacked for several hours in the night. Nobody heard, nobody perceived any thing of it, though the place was so public ; yet the affair was thought fit to be inquired into. I could never suspect a man of Pompey's distinguished valour of being timorous ; nor yet think any caution too great in one who has taken upon himself the defence of the whole republic. A senator, too, in a full house, affirmed lately in the Capitol, that Milo had a dagger under his gown at that very time : upon which, he stript himself in that most sacred temple, that, since his life and manners could not gain him credit, the thing itself must speak for him.

XXV. Omnia falsa atque insidiosè facta comperta sunt. Quòd si tamen metuitur etiam nunc Milo, non hoc jam Clodianum crimen timemus, sed tuas, Cn. Pompei, (te enim jam appello eâ voce, ut me audire possis), (56) tuas, tuas, inquam, suspicione perhorrescimus. Si Milonem times, si hunc de tua vita nefariè aut nunc cogitare, aut molitum aliquando aliquid putas; si Italiae delectus, ut nonnulli conquerores tui dictitant, si haec arma, si Capitolinae cohortes, si excubiae, si vigiliae, si delecta juventus, quae tuum corpus domumque custodit, contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt: magna in hoc certè vis, et incredibilis animus, et non unius viri vires atque opes indicantur, siquidem in hunc unum et praestantissimus dux electus, et tota res publica armata est. Sed quis non intelligit, omnes tibi reipublicae partes aegras et labantes, ut eas his armis sanares et confirmares, esse commissas? Quod si Miloni locus datus esset, probasset profectò tibi ipsi, neminem unquam hominem homini cariorem fuisse, quam te sibi: nullum se unquam periculum, pro tua dignitate, fugisse: cum illa ipsa terrima peste saepissimè pro tua gloria contendisse: tribunatum suum ad salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum: se à te postea defensum in periculo capitatis, adjutum in petitione praeturae: duos se habere semper amicissimos sperasse, te tuo beneficio, me suo: quae si non probaret; si tibi ita penitus insedisset ista suspicio, nullo ut evelli modo posset; si denique Italia à delectu, urbs ab armis, sine Milonis clade, nunquam esset conquietura; nae iste haud dubitans cessisset patriā, is, qui ita natus est, et ita consuevit; te, Magne, tamen antestatur: quòd nunc etiam facit.

NOTES.

(56) *Tuas, tuas, inquam, suspicione perhorrescimus.*] For the illustration of this passage, we shall transcribe the note of Asconius, which is as follows: "Diximus in argomento orationis hujus, Cn. Pompeium simulasse se timere, seu plane timuisse Milonem, et ideo ne domi quidem suaे, sed in hortis superioribus ante judicium mansisse, ita ut villam quoque praesidio militum circumdaret. Q. POMPEIUS tribunus pleb. qui fuerat familiarissimus omnium P. Clodio, et sectam suam sequi se palam profitebatur, dixerat in concione post paucis diebus quam Clodius erat occisus: *Milo dedit, quem in curia cremare-tis: aabo, quem in capitolio sepeliatis.* In eadem concione idem dixerat (habet enim eam a. d. 8. kal. Febr. cùm Milo pridie, id est, 7. kal. Febr. venire ad Pompeium in hortos ejus voluisset)

" Pompeium ei per hominem propin-
" quum misisse, ne ad se veniret. Prius
" etiam quam Pompeius tertium consul
" crearetur, tres tribuni, Q. Pompeius
" Rufus, C. Sallustius Crispus, T. Mu-
" natius Plancus, cùm quotidianis con-
" cionibus suis magnam invidiam Miloni
" propter Clodium excitarent, produxe-
" rant ad populum Cn. Pompeium, et ab
" eo quaesierant, num ad eum delatum
" esset illud quoque indicium sue vitæ
" insidiari Milonem. Responderat Pom-
" peius, Licinium quendam de plebe, sa-
" crificulum, qui solitus eset familias
" purgare, ad se detulisse, servos quos-
" dam Milonis, itemque libertos, com-
" paratos esse ad caudem suam: nemina
" quoque servorum edidisse: ad Milo-
" nem misisse, ut eos in potestate sua
" haberet: a Milone responsum esse, ex
" iis servis, quos nominasset, partim ne-

SECT. XXV. These stories were all discovered to be false, malicious forgeries: but if, after all, Milo must still be feared; it is no longer the affair of Clodius, but your suspicions, Pompey, which we dread: your, your suspicions, I say, and speak it so that you may hear me. If you are afraid of Milo, if you imagine that he is either now forming, or has ever before contrived any wicked design against your life; if the forces of Italy, as some of your agents allege, if this armed force, if the Capitoline troops, if these centries and guards, if the chosen band of young men that guard your person and your house, is armed against the assaults of Milo; if all these precautions are taken and pointed against him, great undoubtedly must be his strength, and incredible his valour, far surpassing the forces and power of a single man, since the most eminent of all our generals is fixed upon; and the whole republic armed to resist him. But who does not know that all the infirm and feeble parts of the state are committed to your care, to be restored and strengthened by this armed force? Could Milo have found an opportunity, he would immediately have convinced you that no man ever had a stronger affection for another than he has for you; that he never declined any danger, where your dignity was concerned; that, to raise your glory, he often encountered that monster Clodius; that his tribunate was employed, under your direction, in securing my safety, which you had then so much at heart; that you afterwards protected him when his life was in danger, and used your interest for him when he stood for the praetorship; that there were two persons whose warmest friendship he hoped he might always depend upon, yourself on account of the obligations you laid him under, and me on account of the favours I received from him. If he had failed in the proof of all this; if your suspicions had been so deeply roote, as not to be removed; if Italy, in a word, must never have been free from new levies, nor the city from arms, without Milo's destruction, he would not have scrupled, such is his nature and his principles, to bid adieu to his country; but first he would have called upon thee, O thou great one! as he now does.

NOTES.

"minem se unquam habuisse, partim
"manumisisse. Dein, cum Licinius a-
"pus se haberet, Lucium quendam de
"plebe ad corrumpendum judicem ve-
"nisse: qua re cognita, in vincula eum
"publica a se conjectum. Decreverat
"enim senatus, ut cum interrege et tr.
"plebis Pompeius daret operam, ne quid
"res publica detrimenti caperet. Ob has
"suspiciones Pompeius in superioribus

"hortis se continuerat, deinde ex S. C.
"delectu per Italiam habito, cum redi-
"set, venientem ad se Milonem unum
"omnium non admiserat. Item, cum se-
"natus in porticu Pompeii haberetur, ut
"Pompeius posset interesse, unum tum
"excuti prius, quam in senatum intraret,
"jus erat. Hae sunt suspiciones, quas
"dicit se Cicero pertimescere."

XXVI. Vide quām sit varia vitae commutabilisque ratio, quām vaga volubilisque fortuna, quantae infidelitates in amicis, quām ad tempus aptae simulationes, quantae in periculis fugae proximorum, quantae timiditates! Erit, erit illud profectò tempus, et illucescit aliquando ille dies, cùm tu salutaribus, ut spero, rebus tuis, sed fortasse motu aliquo communium temporum immutatis (qui quām crebrò accidat, experti debemus scire) et amicissimi benevolentiam, et gravissimi hominis fidem, et unius post homines natos fortissimi viri magnitudinem animi desideres. Quanquam quis hoc credat, Cn. Pompeium, juris publici, moris majorum, rei denique publicae peritissimum, cùm senatus ei commiserit, ut vide-ret, NE QUID RESPUBLICA DETRIMENTI CAPERET; (quo uno versiculo satis armati semper consules fuerunt, etiam nullis armis datis;) hunc exercitu, hunc delectu dato, judicium exspectaturum fuisse in ejus consiliis vindicandis, qui vel judicia ipsa tolleret? Satis judicatum est à Pompeio, falsò ista conferri in Milonem, qui legem tulit, qua, ut ego sentio, Milonem absolvī à vobis oporteret; omnes confitentur, liceret. Quòd verò in illo loco, atque illis publicorum praesidiorum copiis circumfusus sedet; satis declarat, se non terrorē inferre vobis, (quid enim illo minùs dignum quām cogere, ut vos eum condemnetis, in quem animadvertere ipse, et more majorum, et suo jure posset?) sed praesidio esse: ut intelligatis contra hesternam concionem illam licere vobis, quod sentiatis, liberè judicare.

XXVII. Nec verò me, judices, Clodianum crimen movet: nec tam sum demens, tamque vestri sensūs ignarus atque expers, ut nesciam quid de morte Clodii sentiatis: de qua si jam nollem ita diluere crimen, ut dilui, tamen impunè Miloni palam clamare, atque mentiri gloriosè liceret: Occidi, occidi, non Sp. Maelium, qui annonā levandā, jacturisque rei familiaris, quia nimis amplecti plebem putabatur, in suspicionem incidit regni appetendi; non Tiberium Gracchum, qui collegae magistratum per seditiō-nem abrogavit; quorum interfectores implérunt orbem terrarum nominis sui gloria: sed eum (auderet enim dicere, cùm patriam periculo suo liberāsse) cuius nefandum adulterium in pulvinaribus

SECT. XXVI. Consider how uncertain and variable the condition of life is, how unsettled and inconstant a thing fortune; what unfaithfulness is to be found amongst friends; what disguises suited to times and circumstances; what desertion, what cowardice in our dangers, even of those who are dearest to us. There will, there will, I say, be a time, and the day will certainly come, when you, with safety still, I hope, to your fortunes, though changed perhaps by some turn of the common times, which, as experience shews, will often happen to us all, may want the affection of the friendliest, the fidelity of the worthiest, and the courage of the bravest man living. Though who can believe that Pompey, so well skilled in the laws of Rome, in ancient usages, and the constitution of his country, when the senate had given it him in charge to see that *the republic received no detriment*; a sentence always sufficient for arming the consuls without assigning them an armed force; that he, I say, when an army and a chosen band of soldiers were assigned him, should wait the event of this trial, and defend the conduct of the man who wanted to abolish trials? It was sufficient that Pompey cleared Milo from those charges that were advanced against him, by enacting a law, according to which, in my opinion, Milo ought, and, by the confession of all, might lawfully be acquitted. But, by sitting in that place, attended by a numerous guard assigned him by public authority, he sufficiently declares his intention is not to overawe, (for what can be more unworthy a man of his character, than to oblige you to condemn a person, whom, from numerous precedents, and by virtue of his own authority, he might have punished himself?) but to protect you. he means only to convince you, that, notwithstanding yesterday's riotous assembly, you are at full liberty to pass sentence according to your own judgments.

SECT. XXVII. But, my lords, the Clodian accusation gives me no concern: for I am not so stupid, so void of all experience, or so ignorant of your sentiments, as not to know your opinion in relation to the death of Clodius. And though I had not refuted the charge, as I have done, yet Milo might, with safety, have made the following glorious declaration in public, though a false one: I have slain; I have slain, not a Sp. Maelius, who was suspected of aiming at the regal power, because he courted the favour of the people by lowering the price of corn, and bestowing extravagant presents to the ruin of his own estate; not a Tiberius Gracchus, who seditiously deposed his colleague from his magistracy; though even their destroyers have filled the world with the glory of their exploits: but I have slain the man (for he had a right to use this language, who had saved his country at the hazard of his own life)

sanctissimis nobilissimae foeminae comprehendenterunt: eum, cuius suppicio senatus solemnies religiones expiandas saepe censuit: eum, quem cum sorore germana nefarium stuprum fecisse L. Lucullus juratus se, quaestionibus habitis, dixit comperisse: eum, qui civem, quem senatus, quem populus, quem omnes gentes, urbis ac vitae civium conservatorem judicabant, servorum armis exterminavit: (57) eum, qui regna dedit, ademit, orbem terrarum, quibuscum voluit, partitus est: eum, qui plurimis caedibus in foro factis, singulari virtute et gloriâ civem domum vi et armis compulit; eum, cui nihil unquam nefas fuit nec in facinore, nec in libidine: eum, (58) qui aedem nympharum incendit, ut memoriam publicam rectionis tabulis publicis impressam extingueret: eum denique, cui jam nulla lex erat, nullum civile jus, nulli possessionum termini; qui non calumniâ litium, non injustis vindiciis ac sacramentis alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solùm Etruscos (eos enim penitus contempserat), sed hunc Q. Varium, virum fortissimum, atque optimum civem, judicem nostrum, pellere possessionibus, armis castrisque conatus est; qui cum architectis et decempedis villas multorum hortosque peragrabat; qui Janiculo et Alpibus spem possessionum terminabat suarum; qui, cùm ab equite Romano splendido et forti viro, T. Pacavio, non impetrâisset, ut insulam in lacu Pretio venderet, repente lintribus in eam insulam materiam, calcem, caementa atque arma convexit; dominoque trans ripam inspectante, non dubitavit aedificium exstruere in alieno: qui huic T. Furonio, cui viro, di immortales! (quid enim ego de muliercula Scantia? quid de adolescente Apronio dicam?) quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessisset,) sed ausus est Furfanio dicere, si sibi pecuniam, quantam poposcerat, non dedisset, (59) mortuum se in domum ejus illaturum; qua invidiâ huic esset tali viro conflagrandum: qui Appium fratrem, hominem mihi conjunctum fidissimâ gratiâ, absentem de possessione fundi dejecit: qui parie-

NOTES.

(57) *Eum, qui regna dedit, ademit.*] Clodius enacted a law against Ptolemy, king of Cyprus; to deprive him of his kingdom, and reduce it to a Roman province, and confiscate his whole estate. This prince was brother to the king of Egypt, and reigned by the same right of hereditary succession; was in full peace and amity with Rome; accused of no practices, nor suspected of any designs against the republic. But Clodius had an old grudge to him, for refusing to ransom him when he was taken by the pirates, and sending him only the contemptible sum of two talents. To sanctify this iniquitous law, as it were, and give it the better face and colour of jus-

tice, Cato was charged with the execution of it; which gave Clodius a double pleasure, by imposing such a task upon the gravest man in Rome.

(58) *Qui aedem nympharum incendit.*] The nymphs presiding over fountains had a temple erected to them at Rome, that they might prove propitious in preventing burnings: this temple Clodius set on fire.

(59) *Mortuum se in domum ejus illaturum.*] Clodius threatened to convey a dead body into Furanius's house, with a view of bringing him under a suspicion of having committed the murder in his own house. Or perhaps his design was, to make him thereby lose the right and

whose abominable adulteries our noblest matrons discovered even in the most sacred recesses of the immortal gods: the man, by whose punishment the senate frequently determined to atone for the violation of our religious rites: the man whose incest with his own sister Lucullus swore he had discovered, by due examination: the man who, by the violence of his slaves, expelled a person esteemed by the senate, the people, and all nations, as the preserver of the city and the lives of the citizens: the man who gave and took away kingdoms, and parcelled out the world to whom he pleased: the man who, after having committed several murders in the forum, by force of arms obliged a citizen of illustrious virtue and character, to confine himself within the walls of his own house: the man who thought no instance of villany or lust unlawful: the man who fired the temple of the nymphs, in order to destroy the public register, which contained the censure of his crimes: in a word, the man who governed himself by no law, disregarded all civil institutions, and observed no bounds in the division of property; who never attempted to seize the estate of another by quirks of law, suborned evidence, or false oaths, but employed the more effectual means of regular troops, encampments, and standards; who, by his armed forces, endeavoured to drive from their possessions, not only the Tuscans (for them he utterly despised), but Q. Varius, one of our judges, that brave man and worthy citizen; who, with his architects and measurers, traversed the estates and gardens of a great many citizens, and grasped in his own imagination all that lies between Janiculum and the Alps; who, when he could not persuade Titus Pacavius, an illustrious and brave Roman knight, to sell an island upon the Pretian lake, immediately conveyed timber, stone, mortar and sand, into the island in boats, and made no scruple of building a house on another person's estate, even while the proprietor was viewing him from the opposite bank; who had the impudence, immortal gods! to declare to such a man as Titus Furfanius (for I shall omit the affair relating to the widow Scantia, and the young Apronius, both of whom he threatened with death, if they did not yield to him the possession of their gardens), who had the impudence, I say, to declare to Titus Furfanius, that if he did not give him the sum of money he demanded, he would convey a dead body into his house, in order to expose so eminent a man to the public odium: who dispossessed his brother Appius of his estate in his absence, a man united to me in the closest friendship; who attempted to run a wall through a court-yard belonging to

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property of his house; because, by a dead body's being brought into any house, it became sacred, and the proprietor was obliged to quit all his title to it.

tem sic per vestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modò vestibulo privaret, sed omni aditu et limine.

XXVIII. Quanquam haec quidem jam tolerabilia videbantur, etsi aequabiliter in remp. in privatos, in longinquos, in propinquos, in alienos, in suos irruerat: sed nescio quomodo jam usu obdurerat, et percalluerat civitatis incredibilis patientia. Quae verò aderant jam et impendebant, quonam modo ea aut depellere potuissetis, aut ferre? Imperium si ille nactus esset, omitto socios, exteras nationes, reges, tetrarchas: vota enim faceretis, ut in eos se potius mitteret, quam in vestras possessiones, vestra tecta, vestras pecunias: pecunias dico? à liberis, à liberis medius fidius, et à conjugibus vestris nunquam ille effrenatas suas libidines cohibuisse: fingi haec putatis, quae patent, quae nota sunt omnibus, quae tenentur; servorum exercitus illum in urbe conscriptum fuisse, per quos totam rempub. resque privatas omnium possidcret? **Quamobrem** si cruentum gladium tenens clamaret **T. Annus**, **ADESTE**, quaeso, atque audite, cives: **P. Clodium** interfeci: ejus furores, quos nullis jam legibus, nullis judiciis frenare poteramus, hoc ferro et hâc dexterâ à cervicibus vestris repuli; per me unum effectum est, ut jus, aequitas, leges, libertas, pudor, pudicitia in civitate manerent; esset verò timendum, quonam modo id [factum] ferret civitas? nunc enim quis est, qui non probet? qui non laudet? qui non unum post hominum memoriam **T. Annium** plurimum reipublicae profuisse, maximâ laetitiâ populum Romanum, cunctam Italiam, nationes omnes affecisse, et dicat, et sentiat? Nequeo vetera illa populi Romani quanta fuerint gaudia judicare; multas tamen jam summorum imperatorum clarissimas victorias aetas nostra vidit; quarum nulla neque tam diurnam attulit laetitiam, nec tantam. Mandate hoc memoriae, judices; spero multa vos liberosque vestros in republica bona esse visuros; in his singulis ita semper existimabitis, vivo **P. Clodio**, nihil horum vos visuros fuisse. In spem maximam, et, quemadmodum confido, verissimam adducti sumus, hunc ipsum aium, hoc ipso summo viro consule, compressâ hominum licentiâ, cupiditatibus fractis, legibus et judiciis constitutis, salutarem civitate fore. Num quis igitur est tam demens, qui hoc, **P. Clodio** vivo, contingere potuisse arbitretur? Quid? ea, quae tenetis, privata atque vestra, dominante homine furioso, quod jus perpetuae possessionis habere potuissent?

his sister, and to build it in such a manner as not only to render the court-yard useless, but to deprive her of all entrance and access to her house.

SECT. XXVIII. Yet all these violences were tolerated, though committed no less against the commonwealth than against private persons, against the remotest as well as the nearest, strangers as well as relations; but the amazing patience of Rome was become, I know not how, perfectly hardened and callous. Yet by what means could you have warded off those dangers that were more immediate and threatening, or how could you have submitted to his government, if he had obtained it? I pass by our allies, foreign nations, kings and princes; for it was your ardent prayer that he would turn himself loose upon those, rather than upon your estates, your houses and your money: your money did I say? by heavens, he had never restrained his unbridled lust from violating your wives and children. Do you imagine that these things are mere fictions? are they not evident? not publicly known? not remembered by all? Is it not notorious that he attempted to raise an army of slaves, strong enough to make him master of the whole republic, and of the property of every Roman? Wherefore if Milo, holding the bloody dagger in his hand, had cried aloud, Citizens, I beseech you, draw near and attend: I have killed Publius Clodius; with this right hand, with this dagger, I have saved your lives from that fury, which no laws, no government could restrain. To me alone it is owing, that justice, equity, laws, liberty, modesty and decency have yet a being in Rome. Could there be any room for Milo to fear how his country would take it? Who is there now that does not approve and applaud it? where is the man that does not think and declare it as his opinion, that Milo has done the greatest possible service to his country, that he has spread joy amongst the inhabitants of Rome, of all Italy, and the whole world? I cannot indeed determine how high the transports of the Roman people may have risen in former times; this present age, however, has been witness to many signal victories of the bravest generals; but none of them ever occasioned such real and lasting joy. Commit this, my lords, to your memories; I hope that you and your children will enjoy many blessings in the republic, and that each of them will be attended with this reflection, that if P. Clodius had lived, you would have enjoyed none of them. We now entertain the highest, and, I trust, the best grounded hopes, that so excellent a person being consul, the licentiousness of men being curbed, their schemes broke, law and justice established, the present will be a most fortunate year to Rome. But who is so stupid as to imagine this would have been the case had Clodius lived? How could you possibly have been secure in the possession of what belongs to you, of your own private property, under the tyranny of such a fury?

XXIX. Non timeo, judices, ne odio inimicitiarum mearum inflammatus, libentiū haec in illum evomere videar, quām verius; etenim etsi praecipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio penè aequaliter versaretur odium meum. (60) Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exitii fuerit. Quin sic attendite, judices; nempe haec est quaestio de interitu P. Clodii; fingite animis (liberae enim sunt cogitationes nostrae, et, quae volunt, sic intuentur, ut ea cernimus, quae videmus) fingite igitur cogitatione imaginem hujus conditiones meae: si possim efficere, ut Milonem absolvatis, sed ita si P. Clodius revixerit. Quid vultu extimuitis? quonam modo ille vos vivus afficeret, qui mortuus inani cogitatione percussit? Quid? si ipse Cn. Pompeius, qui eā virtute, ac fortunā est, ut ea potuerit semper, quae nemo praeter illum: si is, inquam, potuisset, aut quaestionem de morte P. Clodii ferre, aut ipsum ab inferis excitare, utrum putatis potius facturum fuisse? etiam si propter amicitiam vellet illum ab inferis revocare, propter rempub. non fecisset. Ejus igitur mortis sedetis ultores, cujus vitam si putetis per vos restitui posse, nolitis: et de ejus nece lata quaestio est, qui si eādem lege reviviscere posset, lata lex nunquam esset. Hujus ergo interactor qui esset, in confitendo ab iisne poenam timeret, quos liberavisset? Gracci homines deorum honores tribuunt iis viris, qui tyrannos necaverunt. Quae ego vidi Athenis? quae aliis in urbibus Graeciae? quas res divinas talibus institutas viris? quos cantus? quae carmina? prope ad immortalitatis et religionem et memoriam consecrantur. Vos tanti conservatorem populi, tanti sceleris ultorem, non modò honoribus nullis afficietis, sed ad supplicium rapi etiam patiemini? Confiteretur, confiteretur, inquam, si fecisset, et magno animo, et libenter, se fecisse libertatis omnium causâ:

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(60) *Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exitii fuerit.]* It may justly seem strange, that so abandoned a wretch, and so pestilent a citizen, should have been suffered in Rome: and it would be natural to suspect, that we had been deceived in our accounts of him, by taking them from his enemies, did we not find them too firmly supported by facts to be called in question. A little attention, however, to the particular character of Clodius, as well as of the times in which he lived, will enable us to solve the difficulty. First, the splendor of his family, which had borne a principal share in all the triumphs of the republic, from the very foundation of its liberty, was of great force to protect him in all his extravagancies. Secondly, his personal qualities

were peculiarly adapted to endear him to all the meaner sort: his bold and ready wit; his talent at haranguings; his profuse expence, and his being the first of his family who had pursued popular measures against the maxims of his ancestors, who were all stern assertors of the aristocratical power. Thirdly, the contrast of opposite factions, who had each their ends in supporting him, contributed principally to his safety: Caesar, Pompey, and Crassus willingly permitted and privately encouraged his violences; to make their own power not only the less odious, but even necessary for controuling the fury of such an incendiary; and though it was often turned against themselves, yet they chose to bear it, and dissemble their ability of repelling it, rather than destroy the man,

SECT. XXIX. I am not afraid, my lords, that I should seem to let my resentment for personal injuries rise so high as to charge these things upon him with more freedom than truth; for though it might be expected this should be the principal motive, yet so common an enemy was he to all mankind, that my aversion to him was scarcely greater than that of the whole world. It is impossible to express, or indeed to imagine, what a villain, what a pernicious monster he was. But, my lords, attend to this; the present trial relates to the death of Clodius: form now in your minds (for our thoughts are free, and represent what they please, just in the same manner as we perceive what we see); form, I say, in your minds, the picture of what I shall now describe. Suppose I could persuade you to acquit Milo, on condition that Clodius should revive. Why do your countenances betray those marks of fear; how would he affect you when living, if the bare imagination of him, though he is dead, so powerfully strikes you? what! if Pompey himself, a man possessed of that merit and fortune which enable him to effect what no one besides can; if he, I say, had it in his power either to appoint Clodius's death to be inquired into, or to raise him from the dead, which do you think he would choose? Though from a principle of friendship he might be inclined to raise him from the dead, yet a regard to his country would prevent him. You therefore sit as the avengers of that man's death, whom you would not recal to life if you were able; and inquiry is made into his death, by a law which would not have passed if it could have brought him to life. If his destroyer then should confess the fact, need he fear to be punished by those whom he has delivered? The Greeks render divine honours to those who put tyrants to death. What have I seen at Athens? what in the other cities of Greece? what ceremonies were instituted for such heroes? what hymns? what songs? The honours paid them were almost equal to those paid to the immortal gods. And will you not only refuse to pay any honours to the preserver of so great a people, and the avenger of such execrable villanies, but even suffer him to be dragged to punishment? He would have confessed, I say, had he done the action, he would

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who was playing their game for them; and by throwing the republic into confusion, threw it of course into their hands. The senate, on the other side, whose chief apprehensions were from the Triumvirate, thought that the rashness of Clodius might be of some use to perplex their measures, and stir up the people against them on proper occasions; or it humoured their spleen at least, to see him often insulting Pompey to his face.—

Lastly, all who envied Cicero, and desired to lessen his authority, privately cherished an enemy who employed all his force to drive him from the administration of affairs. This accidental concurrence of circumstances, peculiar to the man and the times, was what preserved Clodius, whose insolence could never have been endured in any quiet and regular state of the city.

quod ei certe non confitendum modò fuisse, verùm etiam praedicandum.

XXX. Etenim si id non negat, ex quo nihil petit, nisi ut ignoroscatur; dubitaret id fateri, ex quo etiam praemia laudis essent petenda? nisi verò gratius putat esse vobis sui se capitis, quām vestri ordinis defensorem fuisse: cùm praeſertim in ea confessione, si grati esse velletis, honores assequeretur amplissimos: sin factum vobis non probaretur, (quanquam qui poterat salus sua cuique non probari?) sed tamen si minùs fortissimi viri virtus civibus grata cecidisset; magno animo constantique cederet ex ingrata civitate; nam quid esset ingratius, quām laetari caeteros, lugere eum solum propter quem caeteri laetarentur? Quanquam hq̄c animo semper omnes fuimus in patriae proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus; nam quae mihi contribuenda laus esset ipsi, cùm tantum in consulatu meo pro vobis, ac liberis vestris ausus essem, si id, quod conabar, sine maximis discriminationibus meis me esse ausurum arbitrarer? quae mulier sceleratum ac perniciosum civem occidere non auderet, si periculum non timeret? Propositâ invidiâ, morte, poenâ, qui nihilo segniūs rempub. defendit, is vir verè putandus est. Populi grati est, praemiis afficere bene meritos de republica cives: viri fortis, ne suppliciis quidem moveri, ut fortiter fecisse poeniteat. Quamobrem uteſetur eādem confessione T. Annus, quā Abala, quā Nasica, quā Opimius, quā Marius, quā nosmetipſi: et, si grata respubliſa esſet, laetaretur; si ingrata, tamen in gravi fortuna conscientiā suā niteretur. Sed hujus beneficii gratiam, judices, fortuna populi Romani, et vestra felicitas, et dii immortales, sibi deberi putant. Nec verò quisquam aliter arbitrari potest, nisi qui nullam vim esse ducit, numenve divinum: quem neque imperii vestri magnitudo, neque sol ille, nec caeli signorumque motus, nec vicissitudines rerum atque ordines movent, neque, id quod maximum est, majorum nostrorum sapientia: qui sacra, qui caeremonias, qui auspicia et ipsi sanctissimè coluerunt, et nobis suis posteris prodiderunt.

XXXI. Est, est profectò illa vis: neque in his corporibus, atque in hac imbecillitate nostra inest quiddam, quod vigeat, et sen-

have bravely and freely confessed that he did it for the common good; and indeed he ought not only to have confessed, but to have proclaimed it.

SECT. XXX. For if he does not deny an action for which he desires nothing but pardon, is it likely that he would scruple to confess what he might hope to be rewarded for; unless he thinks it is more agreeable to you, that he should defend his own life, than the lives of your order? especially as, by such a confession, if you were inclined to be grateful, he might expect to obtain the noblest honours. But if you had not approved of the action, (though how is it possible that a person can disapprove of his own safety?) if the courage of the bravest man alive had not been agreeable to his countrymen, he would have departed with steadiness and resolution from so ungrateful a city. For what can shew a greater ingratitude than that all should rejoice, while he alone remained disconsolate, who was the cause of all the joy? Yet, in destroying the enemies of our country, this has been our constant persuasion, that as the glory would be ours, so we should expect our share of odium and danger. For what praise had been due to me, when in my consulate I made so many hazardous attempts for you and your posterity, if I could have proposed to carry my designs into execution without the greatest struggles and difficulties? What woman would not dare to kill the most villainous and outrageous citizen, if she had no danger to fear? But the man who bravely defends his country with the prospect of public odium, danger and death, is a man indeed. It is the duty of a grateful people to bestow distinguished honours upon distinguished patriots; and it is the part of a brave man, not to be induced by the greatest sufferings to repent of having boldly discharged his duty. Milo therefore might have made the confession which Ahala, Nasica, Opimius, Marius, and I myself formerly made. And had his country been grateful, he might have rejoiced; if ungrateful, his conscience might still have supported him under ingratitude. But that gratitude is due to him for this favour, my lords, the fortune of Rome, your own preservation, and the immortal gods all declare. Nor is it possible that any man can think otherwise, but he who denies the existence of an over-ruling power, or divine providence; who is unaffected by the majesty of your empire, the sun itself, the revolutions of the heavenly bodies, the changes and laws of nature, and, above all, the wisdom of our ancestors, who religiously observed the sacred rites, ceremonies, and auspices, and carefully transmitted them to their posterity.

SECT. XXXI. There is, there certainly is such a power; nor can this grand and beautiful fabric of nature be without an ani-

tiat, et non inest in hoc tanto naturae tam praeclaro motu: nisi fortè idcirco esse non putant, quia non appetet, nec cernitur: proinde quasi nostram ipsam mentem, quâ sapimus, quâ provide-
mus, quâ haec ipsa agimus ac dicimus, videre, aut planè qualis,
aut ubi sit, sentire possimus. Ea vis, ea est igitur ipsa, quae
saepe incredibiles huic urbi felicitates atque opes attulit: quae
illam perniciem extinxit, ac sustulit: cui primum mentem injec-
tit, ut vi irritare ferroque lassere fortissimum virum auderet,
vincereturque ab eo, quem si vicisset, habiturus esset impunita-
tem et licentiam sempiternam. Non est humano consilio, ne me-
diocri quidem, judices, deorum immortalium curâ res illa perfec-
ta; religiones, mehercule, ipsae, quae illam belluam cadere vide-
runt, commovisse se videntur, et jus in illo suum retinuisse; vos
enim jam, Albani tumuli atque luci, vos, inquam, imploro, at-
que obtestor, vosque Albanorum obrutae aerae, (61) sacrorum po-
puli Romani sociae et aequales, quas ille preecepit amentiâ, caesis
prostratisque sanctissimis lucis, substructionum insanis molibus
oppresserat: vestrae tumulae, vestrae religiones viguerunt, vestra
vis valuit, quam ille omni scelere polluerat: tuque ex tuo edito
monte Latiali, sancte Jupiter, cujus ille lacus, nemora, finesque
saepe omni nefario stupro et scelere maculârat, aliquando ad eum
puniendum oculos aperuisti: vobis illae, vobis vestro in conspec-
tu serae, sed justae tamen et debitae poenae solutae sunt. Nisi
fortè hoc etiam casu factum esse dicemus, ut ante ipsum sacrari-
um Bonae Deae, quod est in fundo T. Sextii Galli, in primis ho-
nesti et ornati adolescentis, ante ipsam, inquam, Bonam Deam,
cum proelium commisisset, primum illud vulnus acceperit, quo te-
rrimam mortem obiret: ut non absolutus judicio illo nefario vi-
deretur, sed ad hanc insignem poenam reservatus.

XXXII. Nec verò non eadem ira deorum hanc ejus satellitibus
injecit amentiam, ut sine imaginibus, sine cantu, (62) sine ludis,
sine exsequiis, sine lamentis, (63) sine laudationibus, sine funere,

NOTES.

(61) *Sacrorum populi Romani sociae et aequales.*] Cicero here refers to those rites which were common to all the people of Latium, with the Romans. They were at first instituted by Tarquinius Superbus, who, in order to keep the Latin association firm to their engagements with him, erected a new temple in the midst of them to Jupiter Latialis, on a hill near the ruins of Alba, where the diets of the united cantons were annually to assemble on the twenty-seventh of April, which was called *Feriae Latinae*, and jointly offer sacrifices to Jupiter, and feast together in token of union.

(62) *Sine ludis.*] The heathens imagined, that the ghosts of the deceased

were satisfied, and rendered propitious by human blood; accordingly, at first they used to buy captives, or untoward slaves, and offered them at the obsequies. Afterwards they contrived to veil over their impious barbarity with the specious show of pleasure, and voluntary combat; and therefore training up such persons as they had procured, in some tolerable notion of weapons; upon the day appointed for the sacrifices to the departed ghosts, they obliged them to maintain a mortal encounter at the tombs of their friends. Hence arose the gladiatorial shews which were exhibited at the funerals of great men for appeasing their manes.

mating principle, when these bodies and feeble frames of ours are endowed with life and perception. Unless perhaps men think otherwise, because it is not immediately discerned by them; as if we could discern that principle of wisdom and foresight by which we act and speak, or even could discover the manner and place of its existence. This, this is the very power which has often, in a wonderful manner, crowned Rome with glory and prosperity; which has destroyed and removed this plague; which inspired him with presumption to irritate by violence, and provoke by the sword, the bravest of men, in order to be conquered by him; a victory over whom would have procured him eternal impunity, and full scope to his audaciousness. This, my lords, was not effected by human prudence, nor even by the common care of the immortal gods. Our sacred places themselves, by heavens, which saw this monster fall, seemed to be interested in his fate, and to vindicate their rights in his destruction. For you, ye Alban mounts and groves, I implore and attest, ye demolished altars of the Albans, the companions and partners of the Roman rites, which his fury, after having demolished the sacred groves, buried under the extravagant piles of his building. Upon his fall, your ~~altars~~, your rites flourished, your power prevailed, which he had defiled with all manner of villany. And you, O venerable Jupiter! from your lofty Latian mount, whose lakes, whose woods and borders he polluted with the most abominable lust and every species of guilt, at last opened your eyes to behold his destruction: to you, and in your presence, was the late, but just and deserved penalty paid. For surely it can never be alleged, that, in his encounter with Milo before the chapel of the *Bona Dea*, which stands upon the estate of that worthy and accomplished youth, P. Sextius Gallus, it was by chance he received that first wound, which delivered him up to a shameful death, I may say under the eye of the goddess herself; no, it was that he might appear not acquitted by the infamous decree, but reserved only for this signal punishment.

SECT. XXXII. Nor can it be denied, that the anger of the gods inspired his followers with such madness as to commit to the flames his exposed body without pageants, without singing, without shews, without pomp, without lamentations, without any oration in his

NOTES.

(63) *Sine laudationibus.*] In all the funerals of note, the corpse was first brought with a vast train of followers into the forum, where one of the nearest relations ascending the rostra, obliged the audience with an oration in praise of the deceased. If none of the kindred undertook the office, it was discharged

by some of the most eminent persons in the city for learning and eloquence, as Appian reports of the funeral of Sylla. The invention of this custom is generally attributed to Valerius Poplicola, soon after expulsion of the royal family. Plutarch tells us, that, honouring his colleague's obsequies with a funeral oration,

oblitus cruore et luto, spoliatus illius supremi diei celebritate, quam concedere etiam inimici solent, ambureretur abjectus; non fuisse credo fas, clarissimorum virorum formas illi tetrico parricidae aliquid decoris afferre, neque ullo in loco potius mortem ejus lace-rari, quam in quo vita esset damnata. Dura mihi, medius fidius, jam fortuna populi Romani et crudelis videbatur, quae tot annos illum in hanc rempubl. insultare videret et pateretur: polluerat stupro sanctissimas religiones: senatus gravissima decreta perfre-gerat: pecuniâ se palam à judicibus redemerat; (64) vexârat in tribunatu senatum: (65) omnium ordinum consensu pro salute reipublicae gesta resciderat: me patriâ expulerat; bona diripuerat; domum incenderat; liberos, conjugem meam vexaverat: Cn. Pompeio nefarium bellum indixerat: magistratum, privatorumque caedes effecerat: domum mei fratris incenderat: vastârat Etruri-am: multos sedibus ac fortunis ejecerat: instabat: urgebat: capere ejus amentiam civitas, Italia, provinciae, regna non poterant: incidebantur jam domi leges, quae nos nostris servis addicерent: nihil erat cuiusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret. Obstabat ejus cogitationibus nemo, praeter Milonem. Illum ipsum, qui poterat obstar, Cn. Pompeiu, novo reditu in gratiam quasi devinctum arbitrabatur: Cae-saris potentiam, suam potentiam esse dicebat: bonorum animos etiam in meo casu contempserat: Milo unus urgebat.

XXXIII. Hic dii immortales, ut suprà dixi, mentem dederunt illi perditò ac furioso, ut huic faceret insidias: aliter perire pestis illa non potuit; nunquam illum resp. suo jure esset ulta. Senatus, credo, praetorem eum circumscriptisset: ne cùm solebat quidem id facere in privato codem hoc, aliquid profeccrat. An consules in praetore coërcendo fortes fuissent? primùm, Milone occiso, hab-isset suos consules; deinde quis in eo praetore consul fortis esset, per quem tribunum, virum consularem crudelissimè vexatum esse meminisset? oppressisset omnia possideret, teneret: lege novâ, quae est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset; postremò, nisi eum dii immortales in eam mentem impulissent, ut homo effoeminatus fortissimum virum con-naretur occidere, hodie rempubl. nullam haberetis. An ille prae-

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it so pleased the Romans, that it became customary for the best men to celebrate the funerals of great persons with speeches in their commendation.

(64) *Vexârat in tribunatu senatum.*] Clodius, the more effectually to ruin Ci-cero, had, in his tribuneship, decreed Provinces to Gabinius and Piso, contrary to the authority of the senate.

(65) *Omnium ordinum consensu pro sa-*

lute reipublicae gesta resciderat.] Though the putting Catiline's accomplices to death was not done by Cicero's single authority, but by a general vote of the senate, and after a solemn hearing and debate, yet Clodius pretended it was il-legal, and accordingly passed a law, im-porting, that whoever had taken the life of a citizen uncondemned and without trial, should be prohibited from fire and water.

praise, without the rites of burial, besmeared with gore and dirt, and deprived of that funeral solemnity which is always granted even to enemies. It was inconsistent with piety, I imagine, that the images of such illustrious persons should grace so monstrous a patricide; nor could he be torn by the dogs, when dead, in a more proper place than that where he had been so often condemned while alive. Truly the fortune of the Roman people seemed to me hard and cruel, which saw and suffered him to insult the state for so many years. He defiled with lust our most sacred rites; violated the most solemn decrees of the senate; openly corrupted his judges; harassed the senate in his tribuneship; abolished those acts which were passed with the concurrence of every order for the safety of the state; drove me from my country; plundered my goods; fired my house; persecuted my wife and children; declared an execrable war against Pompey; assassinated magistrates and citizens; burnt my brother's house; laid Tuscany waste; drove many from their habitations and estates; was very eager and furious; neither Rome, Italy, provinces nor kingdoms, could confine his frenzy. In his house laws were hatched, which were to subject us to our own slaves: there was nothing belonging to any one which he coveted, that this year he did not think would be his own. None but Milo opposed his designs: he looked upon Pompey, the man who was best able to oppose him, as firmly attached to his interest, by their late reconciliation. The power of Caesar he called his own; and my fall had taught him to despise the sentiments of all good men: Milo alone resisted him.

SECT. XXXIII. In this situation, the immortal gods, as I before observed, inspired that furious miscreant with a design to waylay Milo. ~~No~~ otherwise could the monster have been destroyed; the state could never have avenged its own cause. Is it to be imagined that the senate could have restrained him when he was praetor, after having effected nothing while he was only in a private station? Could the consuls have been strong enough to check their praetor? In the first place, had Milo been killed, the two consuls must have been of his faction; in the next place, what consul would have had courage to oppose him when praetor, whom he remembered, while tribune, to have grievously harassed a person of consular dignity? He might have oppressed, seized, and obtained every thing: by a new law which was found among the other Clodian laws, he would have made our slaves his freedmen. In short, had not the immortal gods inspired him, effeminate as he was, with the frantic resolution of attempting to kill the bravest of men, you would this day have had no republic. Had he been praetor, had he been consul, if indeed we can suppose that these temples and these walls could have stood till his

tor, ille verò consul, si modò haec tempa, atque ipsa moenia stare, eo vivo, tamdiu, et consulatum ejus exspectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus, uno ex suis satellitibus S. Clodio duce, curiam incenderit? quo quid miseriùs, quid acerbiùs, quid luctuosiùs vidimus? templum sanctitatis, amplitudinis, mentis, consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo Romano concessam uni ordini, inflammari, exscindi, funestari? neque id fieri à multitudine imperita (quanquam esset miserum id ipsum) sed ab uno, qui cùm tantum ausus sit ulti pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abjecit, ut eam mortuus incenderet, quam vivus everterat. Et sunt, qui de via Appia querantur, taceant de curia? et qui ab eo spirante forum putent potuisse defendi, cuius non restiterit cadaveri curia? Excitate, excitate ipsum, si potestis, ab inferis; frangitis impetum vivi, cuius vix sustinetis furias inseptuli? nisi vero sustinuitis eos qui cum facibus ad curiam cucurrerunt, cum falcibus ad Castoris, cum gladiis toto foro volitárunt. Caedi vidistis populum Romanum, concionem gladiis disturbari, (66) cùm audiretur silentio M. Coelius tribunus plebis, vir et in repub. fortissimus, (67) et in suscepta causa firmissimus, et bonorum voluntati et auctoritati senatus deditus, et in hac Milonis sive invidiâ, sive fortunâ singulari, divinâ et incredibili fide.

XXXIV. Sed jam satis multa de causa: extra causam etiam nimis fortassè multa. Quid restat, nisi ut orem obtesterque vos, judices, ut eam misericordiam tribuatis fortissimo viro, quam ipse non implorat; ego autem, repugnante hoc, et imploro, et exposco? Nolite, si in nostro omnium fletu nullam lacrymam adspexitis Milonis, si vultum semper eundem, si vocem, si orationem stabilem ac non mutatam videtis, hoc ei minùs parcere: atque haud scio, an multò etiam sit adjuvandus magis. Etenim si in gladia-

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(66) *Cum audiretur silentio M. Coelius tribunus plebis.*] As Milo returned to Rome the same night on which the senate-house was set on fire, Coelius, one of the tribunes of the people, having called an assembly of all those who favoured Milo, inveighed severely against Clodius, and enumerated the various instances of his guilt and villainy; upon which, the rest of the tribunes rushed into the forum with a body of armed men, and had killed both Coelius and Milo, if they had not dressed themselves like slaves, and by that means made their escape. They killed many of the citizens, those especially who by their dress seemed to be persons of distinction; and under

a pretence of searching for Milo, forced their way into many houses, and plundered them. This account we have from Asconius, who instead of Coelius reads Coecilius.

(67) *Et in suscepta causa firmissimus.*] Pompey, to calm the public disorders occasioned by Clodius's death, published several new laws, by one of which the method of trials was altered, and the length of them limited: three days were allowed for the examination of witnesses, and the fourth for the sentence; on which the accuser was to have two hours only to enforce the charge; the criminal three, for his defence. Coelius, or Coecilius, vigorously opposed this law, as having

consulship, in short, had he been alive, would he have committed no mischief, who, when dead, by the direction of Sextus Clodius, one of his dependants, set the senate-house on fire? Was ever sight more dreadful, more shocking, and more miserable? That the temple of holiness, dignity, wisdom, public counsel, the head of this city, the sanctuary of her allies, the refuge of all nations, the seat granted to this order by the unanimous voice of the Roman people, should be fired, erased, and defiled! and not by a giddy mob, though even that would have been dreadful; but by one man, who, if he dared to commit such havoc for his deceased friend as a revenger, what would he not, as a leader, have done for him when living? He chose to throw the body of Clodius into the senate-house, that, when dead, he might burn what he had subverted when living. Are there any who complain of the Appian way, and yet are silent as to the senate-house? Can we imagine that the forum could have been defended against that man, when living, whose lifeless corse destroyed the senate-house? Raise, raise him if you can from the dead; will you break the force of the living man, when you can scarce sustain the rage occasioned by his unburied body? unless you pretend that you sustained the attacks of those who ran to the senate-house with torches, to the temple of Castor with scythes, and flew all over the forum with swords. You saw the Roman people massacred, an assembly attacked with arms, while they were attentively hearing Marcus Coelius, the tribune of the people: a man undaunted in the service of the republic; most resolute in whatever cause he undertakes; devoted to good men, and to the authority of the senate; and who has discovered a divine and amazing fidelity to Milo, under his present circumstances; to which he was reduced either by the force of envy, or a singular turn of fortune.

SECT. XXXIV. But now I have said enough in relation to the cause, and perhaps taken too much liberty in digressing from the main subject. What then remains but to beseech and adjure you, my lords, to extend that compassion to a brave man, which he disdains to implore, but which I, even against his consent, implore and earnestly intreat. Though you have not seen him shed a single tear while all are weeping around him, though he has preserved the same steady countenance, the same firmness of voice and language, do not on this account withhold it from him: indeed I know not whether these circumstances ought not

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to foundation in justice or equity, and being provided particularly against Milo. He was obliged to withdraw his nega-

tive, however, upon Pompey's declaring that he would support it by force of arms.

toriis pugnis, et in infimi generis hominum conditione atque fortunâ, timidos, et supplices, et, ut vivere liceat, obsecrantes, etiam odisse solemus: fortes et animosos, et se acriter ipsos morti offrentes servare cupimus: eorumque nos magis miseret, qui nostram misericordiam non requirunt, quam qui illam efflagitant: quanto hoc magis in fortissimis civibus facere debemus? Me quidem, judices, examinant et interimunt hae voces Milonis, quas audio assidue, et quibus intersum quotidie. Valeant, inquit, valeant cives mei; sint incolumes, sint florentes, sint beati: stet haec urbs præclara, mihiique patria carissima, quoquo modo merita de me erit; tranquillâ repub. cives mei, quoniam mihi cum illis non licet, sine me ipsi, sed per me tamen perfruantur; ego cedam, atque abibo; si mihi republicâ bonâ frui non licuerit, at carebo malâ; et, quam primùm tetigero bene moratam et liberam civitatem, in ea conquiescam. O frustra, inquit, suscepti mei labores! ô spes fallaces! ô cogitationes inanes meae! ego, cùm tribunis pleb. repub. oppressâ, me senatui dedissem, quem extinctum acceperam; equitibus Romanis, quorum vires erant debiles; bonis viris, qui omnem auctoritatem Clodianis armis abjecerant; mihi unquam bonorum praesidium defuturum putarem? Ego, cùm te (mecum enim saepissimè loquitur) patriae reddidissem, mihi non futurum in patria putarem locum? Ubi nunc senatus est, quem secuti sumus? ubi equites Romani illi, illi, inquit, tui? ubi studia municipiorum? ubi Italiae voces? ubi denique tua, M. Tulli, quae plurimis fuit auxilio, vox et defensio? mihi-ne ea soli, qui pro te toties morti me obtulit, nihil potest opitulari?

XXXV. Nec verò haec, judices, ut ego nunc, flens, sed hoc eodem loquitur vultu, quo videtis; negat enim se, negat ingratissimè fecisse, quae fecerit; timidis, et omnia circumspicientibus pericula, non negat; plebem et infimam multitudinem, quae, P.

to plead with you in his favour. If, in the combats of gladiators, where persons of the lowest rank, the very dregs of the people, are engaged, we look with so much contempt on cowards, on those who meanly beg their lives, and are so fond of saving the brave, the intrepid, and those who cheerfully offer their breasts to the sword ; if, I say, we feel more pity for those who seem above asking our pity, than for those who with earnestness entreat it ; how much more ought we to be thus affected where the interests of our bravest citizens are concerned ? The words of Milo, my lords, which he frequently utters, and which I daily hear, kill and confound me. May my fellow-citizens, says he, flourish ! may they be safe, may they be glorious, may they be happy ! May this renowned city prosper, and my country, which shall ever be dear to me, in whatsoever manner she shall please to treat me : since I must not live with my fellow-citizens, let them enjoy peace and tranquillity without me ; but, then, to me let them owe their happiness. I will withdraw, and retire into exile ; if I cannot be a member of a virtuous commonwealth, it will be some satisfaction not to live in a bad one ; and, as soon as I set foot within a well-regulated and free state, there will I fix my abode. Alas, cries he, my fruitless toils ! my fallacious hopes ! my vain and empty schemes ! Could I, who, in my tribuneship, when the state was under oppression, gave myself up wholly to the service of the senate, which I found almost destroyed ; to the service of the Roman knights, whose strength was so much weakened ; to the service of all good citizens, from whom the oppressive arms of Clodius had wrested their due authority ; could I ever have imagined I should want a guard of honest men to defend me ? When I restored you to your country (for we frequently discourse together), could I ever have thought that I should be driven myself into banishment ? Where is now that senate, to whose interest we devoted ourselves ? Where, where, says he, are those Roman knights of yours ? What is become of that warm affection the municipal towns formerly testified in your favour ? What is become of the acclamations of all Italy ? What is become of thy art, of thy eloquence, my Tully, which have so often been employed to preserve your fellow-citizens ? Am I the only person, to whom alone they can give no assistance ; I, who have so often engaged my life in your defence ?

SECT. XXXV. Nor does he utter such sentiments as these, my lords, as I do now, with tears, but with the same intrepid countenance you now behold. For he denies, he absolutely denies, that his fellow-citizens have repaid his services with ingratitude ; but he confesses they have been too timorous, too apprehensive of danger. He declares, that, in order to insure your safety, he

Cludio duce, fortunis vestris imminebat, eam, quo tutior esset vita vestra, suam se fecisse commemorat; ut non modò virtute flecteret, (68) sed etiam tribus suis patrimoniis deliniret: nec timet, ne, cùm plebem muneribus placârit, vos non conciliârît meritis in rem publicam singularibus. Senatûs erga se benevolentiam temporibas his ipsis saepe esse perspectam: vestras verò, et vestrorum ordinum occursationes, studia, sermones, quemcunque cursum fortuna dederit, secum se ablaturum esse dicit. Meminit etiam sibi vocem praeconis modò defuisse, quam minimè desiderârit; populi verò cunctis suffragiis, quod unum cupierit, se consulem declaratum; nunc denique, si haec arma contra se sint futura, sibi facinoris suspicionem, non facti crimen obstare. Addit haec, quae certè vera sunt, **FORTES ET SAPIENTES VIROS** non tam praemia sequi solere rectè factorum, quàm ipsa rectè facta; se nihil in vita, nisi praeclarissimè, fecisse; siquidem nihil sit praestabilius viro, quàm periculis patriam liberare: beatos esse, quibus ea res honoris fuerit à suis civibus: nec tamen eos miseros, qui beneficio cives suos vicerint: sed tamen, **ex omnibus** praemiis virtutis, si esset habenda ratio praeiorum, (69) amplissimum esse praeium gloriam: esse hanc unam, quae brevitatem vitae posteritatis memoriâ consolaretur; quae efficeret, ut absentes adessemus, mortui viveremus: hanc denique esse, cuius gradibus etiam homines in coelum videantur ascendere. De me, inquit, semper populus Romanus, semper omnes gentes loquentur, nulla unquam obmutescet vetustas; quin hoc tempore ipso, cùm omnes à meis inimicis faces invidiae meae subjiciantur, tamen omni in hominum coetu, gratiis agendis, et gratulationibus habendis, et omni sermone celebramur. Omitto Etruriae festos et actos, et institutos dies: centesima lux est haec ab interitu P. Clodii, et, opinor, altera: quà fines imperii populi Romani sunt, ea non solum fama jam de illo, sed etiam laetitia peragravit.

NOTES.

(68) *Sed etiam tribus suis patrimoniis deliniret.]* Milo had three estates; one left him by his father, another by his mother, and the third by Caius Annius, his grandfather by the mother's side, by whom he was adopted. All the three he spent upon largesses and public sports, for which he was charged with bribery; but Cicero says, these largesses were bestowed upon the people by Milo, with no other design but that the rich might be preserved from being robbed.

(69) *Amplissimum esse praeium gloriam.]* It will not seem strange to observe the wisest of the ancients pushing this principle to so great a length, and

considering glory as the amplest reward of a well-spent life, when we reflect that the greatest part of them had no notion of any other reward or futurity; and even those who believed a state of happiness to the good, yet entertained it with so much diffidence, that they indulged it rather as a wish, than a well-grounded hope; and were glad therefore to lay hold on that which seemed to be within their reach, a futurity of their own creating; an immortality of fame and glory from the applause of posterity. This, by a pleasing fiction, they looked upon as a propagation of life, and an eternity of existence; and had no small comfort in

gained over the common people, all the scum of the populace, to his interest, when under their leader Clodius they threatened your property and your lives ; that he not only curbed them by his resolution, but soothed their rage at the expence of his three inheritances. And while by his liberality he appeases the fury of the people, he entertains not the least doubt but that his extraordinary services to the state will procure him your affection and favour. Repeated proofs of the senate's esteem he acknowledges that he has received, even upon the present occasion ; and declares, that wherever fortune may convey him, she can never deprive him of those marks of honour, regard and affection, conferred upon him by you and the people of Rome. He recollects, too, that he was declared consul by the universal suffrage of the people, the only thing he valued or desired ; and that, in order to his being invested with that office, the voice of the crier was only wanting ; a matter, in his opinion, of very little importance. But now, if these arms are to be turned against him at last, 'tis a satisfaction to him that it is not owing to his guilt, but to the suspicion of it. He adds likewise, what is unquestionably true, that the brave and wise perform great actions, not so much on account of the rewards attending them, as on account of their own intrinsic excellence ; that through his whole course of life, whatever he has done has been nobly done, since nothing can be more truly great, than for a man to rescue his country from impending dangers : that they are without doubt happy, whom their fellow-citizens have repaid with their due reward of honour, but that neither are those to be esteemed unhappy whose services have exceeded their rewards. Yet, should we in the pursuits of virtue have any of its rewards in view, he is convinced that the noblest of all is glory ; that this alone compensates the shortness of life, by the immortality of fame ; that by this we are still present when absent from the world, and survive even after death ; and that by the steps of glory, in short, mortals seem to mount to heaven. Of me, says he, the people of Rome, all the nations of the earth, shall talk, and my name shall be known to the latest posterity. Nay, at this very time, when all my enemies combine to inflame an universal odium against me, yet I receive the thanks, congratulations, and applauses of every assembly. Not to mention the Tuscan festivals instituted in honour of me, it is now about an hundred days since the death of Clodius ; and yet, I am persuaded, not only the fame of this action, but the joy arising from it, has reached beyond the remotest bounds of the Roman empire. It is therefore, continues he, of little

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imagining, that though the sense of it should not reach to themselves, it would extend at least to others ; and that they

should be doing good still when dead, by leaving the example of their virtues to the imitation of mankind.

Quamobrem ubi corpus hoc sit, non, inquit, labore, quoniam omnibus in terris et jam versatur, et semper habitabit nominis mei gloria.

XXXVI. Haec tu mecum saepe, his absentibus; sed iisdem audientibus, haec ego tecum, Milo. Te quidem, quod isto animo es, satis laudare non possum, sed quo est illa magis divina virtus, eo majore à te dolore divellor. Nec verò, si mihi eriperis, reliqua est illa tamen ad consolandum querela, ut his irasci possim, à quibus tantum vulnus accepero; non enim inimici mei te mihi eripient, sed amicissimi; non malè aliquando de me meriti, sed semper optimè. Nullum unquam, judices, mihi tantum dolorem inuretis (etsi, quis potest esse tantus?) sed ne hunc quidem ipsum, ut obliviscar, quanti me semper feceritis; quae si vos cepit oblivio, aut si in me aliquid offendistis, cur non id meo capite potius luitur, quam Milonis? Praeclarè enim vixero; si quid mihi acciderit priùs, quam hoc tantum mali video. Nunc me una consolatio sustentat, quod tibi, ô T. Anni, nullum à me amoris, nullum studii, nullum pietatis officium defuit. (70) Ego inimicitias potentium pro te appetivi: ego meum saepe corpus et vitam objeci armis inimicorum tuorum: ego me plurimis pro te supplicem abjeci: bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli: hoc denique ipso die, si qua vis est parata, si qua dimicatio capitum futura, deposco. Quid jam restat? quid habeo quod dicam, quod faciam pro tuis in me meritis, nisi ut eam fortunam, quaecunque erit tua, ducam meam? Non recuso, non abnuo: vosque obsecro, judices, ut vestra beneficia, quae in me contulisti, aut in hujus salute augetis, aut in ejusdem exitio occasura esse videatis.

XXXVII. His lacrymis non movetur Milo; est quodam incredibili robore animi: exsiliū ibi esse putat, ubi virtuti non sit locus: mortem naturae finem esse, non poenam. Sit hic è mente, qua natus est; quid? vos judices, quo tandem animo eritis? memoriam Milonis retinebitis, ipsum ejicietis? et erit dignior locus in terris ullus, qui hanc virtutem excipiat, quam hic qui procreavit? Vos, vos appello, fortissimi viri, qui multum pro repub-

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(70) *Ego inimicitias potentium pro te appetivi.*] So warm and steady was our orator's friendship to Milo, so great his attachment to him, that neither the num-

ber of the Clodian faction, nor the great power of Pompey, could deter him from undertaking his defence.

importance to me, how this body of mine is disposed of, since the glory of my name already fills, and shall ever possess every region of the earth.

SECT. XXXVI. This, Milo, is what you have often talked to me, while these were absent; and, now that they are present, I repeat it to you. Your fortitude I cannot sufficiently applaud, but the more noble and divine your virtue appears to me, the more distress I feel in being torn from you. Nor, when you are separated from me, shall I have the poor consolation of being angry with those who give the wound? for the separation is not made by my enemies, but by my friends; not by those who have at any time treated me injuriously, but by those to whom I have been always highly obliged. Load me, my lords, with as severe afflictions as you please, even with that I have just mentioned (and none surely can be more severe), yet shall I ever retain a grateful sense of your former favours. But if you have lost the remembrance of these, or if I have fallen under your displeasure, why do not ye avenge yourselves rather upon me than Milo? Long and happily enough shall I have lived, could I but die before such a calamity befal me. Now I have only one consolation to support me, the consciousness of having performed for thee, my Milo, every good office of love and friendship it was in my power to perform. For thee, I have dared the resentment of the great and powerful; for thee, I have often exposed my life to the swords of my enemies; for thee, I have often prostrated myself as a suppliant; I have embarked my own and my family's estate on the same bottom with thine; and at this very hour, if you are threatened with any violence, if your life runs any hazard, I demand a share in your danger. What now remains? what can I say? what can I do to repay the obligations I am under to you, but embrace your fortune, whatever it shall be, as my own? I will not refuse, I accept my share in it: and, my lords, I entreat you either to crown the favours you have conferred on me by the preservation of my friend, or cancel them by his destruction.

SECT. XXXVII. Milo, I perceive, beholds my tears without the least emotion. Incredible firmness of soul! he thinks himself in exile there, where virtue has no place; and looks upon death, not as a punishment, but as the period of our lives. Let him then retain that nobleness of soul, which is natural to him; but how, my lords, are you to determine! Will ye still preserve the memory of Milo, and yet drive his person into banishment? And shall there be found on earth a place more worthy the residence of such virtue, than that which gave it birth? On you, on you I call, ye heroes, who have lost so much blood in the service of your country; to you, ye centurions, ye soldiers,

lica sanguinem effudistis : vos in viri et in civis invicti appello periculo, centuriones, vosque milites : vobis non modò inspectantibus, sed etiam armatis, et huic judicio praesidentibus, haec tanta virtus ex hac urbe expelletur ? exterminabitur ? projicietur ? O me miserum ! ô infelicem ! revocare tu me in patriam, Milo, potuisti per hos ? ego te in patria per eosdem retinere non potero ? Quid respondebo liberis meis, qui te parentem alterum putant ? quid tibi, Q. frater, qui nunc abes, consorti mecum temporum illorum ? me non potuisse Milonis salutem tueri per eosdem, per quos nostram ille servâasset ? at in qua causa non potuisse ? quae est grata gentibus : à quibus non potuisse ? ab iis, qui maximè P. Clodii morte acquiérunt : quo deprecante ? me. Quodnam ego concepi tantum scelus, aut quod in me tantum facinus admisi, judices, cùm illa indicia communis exitii indagavi, patfeci, protuli, extinxii ? (71) omnes in me meosque redundant ex fonte illo dolores. Quid me reducēm esse voluistis ? an ut, inspectante me, expellerentur, ii, per quos essem restitutus ? Nolite, obsecro vos, pati, mihi acerbiorem redditum esse, quam fuerit ille ipse discessus ; nam qui possem putare me restitutum esse, si distrahor ab iis, per quos restitutus sum ?

XXXVIII. Utinam dii immortales fecissent (pace tuâ, patria, dixerim ! metuo enim ne sceleratè dicam in te, quod pro Milone dicam piè) ut P. Clodius non modò viveret, sed etiam praetor, consul, dictator esset potius, quâm hoc spectaculum viderem. O dii immortales ! fortem et à vobis, judices, conservandum virum ! Minimè, minimè, inquit ; imò verò poenas ille debitas luerit : nos subeamus, si ita necesse est, non debitas. Hiccine vir patriae natus, usquam nisi in patria morietur ? aut, si fortè, pro patria ? hujus vos animi monumenta retinebitis, corporis in Italia nullum sepulcrum esse patiemini ? hunc sua quisquam sententia ex hac urbe expellet, quem omnes urbes expulsum à vobis ad se vocabunt ? O terram illam beatam, quae hunc virum exceperit ! hanc ingratam, si ejecerit ! miseram, si amiserit ! Sed finis sit ; neque enim prae lacrymis jam loqui possum : et hic se lacrymis defendi vetat ; vos oro obtestorque, judices, ut in sententiis ferendis quod sentietis id audeatis. Vestram virtutem, justitiam, fidem (mihi credite) is maximè probabit, qui in judicibus legendis optimum et sapientissimum et fortissimum quemque legit.

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(71) *Onnes in me meosque redundant ex fonte illo dolores.*] Cicero here refers to the conspiracy of Catiline ; the putting

whose accomplices to death, he says, was	the grand source of all his calamities.
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I appeal in this hour of danger to the best of men, and bravest of citizens; while you are looking on, while you stand here with arms in your hands, and guard this tribunal, shall virtue like this be expelled, exterminated, cast out with dishonour? Unhappy, wretched man that I am! could you, Milo, by these recal me to my country; and by these shall I not be able to keep you in yours? What answer shall I make to my children, who look on you as another father? what to you, Quintus, my absent brother, the kind partner of all my misfortunes? that I could not preserve Milo by those very instruments which he employed in my preservation? In what cause could I not preserve him? a cause approved of by all. Who have put it out of my power to preserve him? those who gained most by the death of Clodius. And who solicited for Milo? I myself. What crime, what horrid villany was I guilty of, when those plots that were conceived for our common destruction, were all by my industry traced out, fully discovered, laid open before you, and crushed at once? from that copious source flow all the calamities which befal me and mine. Why did you desire my return from banishment? Was it that I might see those very persons who were instrumental in my restoration banished before my face? Make not, I conjure you, my return a greater affliction to me, than was my banishment. For how can I think myself truly restored to my country, if those friends who restored me are to be torn from me?

SECT. XXXVIII. By the immortal gods, I wish (pardon me, O my country! for I fear what I shall say out of a pious regard for Milo may be deemed impiety against thee) that Clodius not only lived, but were praetor, consul, dictator, rather than be witness to such a scene as this. Immortal gods! how brave a man is that, and how worthy of being preserved by you? By no means, he cries: the ruffian met with the punishment he deserved; and let me, if it must be so, suffer the punishment I have not deserved. Shall this man then, who was born to save his country, die anywhere but in his country? Shall he not at least die in the service of his country? Will you retain the memorials of his gallant soul, and deny his body a grave in Italy? Will any person give his voice for banishing a man from this city, whom every city on earth would be proud to receive within its walls? Happy the country that shall receive him! ungrateful this, if it shall banish him! wretched, if it should lose him! But I must conclude; my tears will not allow me to proceed, and Milo forbids tears to be employed in his defence. You, my lords, I beseech and adjure, that, in your decision, you would dare act as you think. Trust me, your fortitude, your justice, your fidelity will more especially be approved of by him, who in his choice of judges has raised to the bench the bravest, the wisest, and the best of men.

ORATIO XIII.

PRO M. MARCELLO.*

I. DIUTURNI silentii, P. C. (1) quo eram his temporibus usus, non timore aliquo, sed partim dolore, partim verecundiâ, finem hodiernus dies attulit; idemque initium, quae vellem, quaeque sentirem, meo pristino more dicendi. Tantam enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summa potestate rerum omnium modum, tam (lenique) incredibilem sapientiam ac penè divinam tacitus in modo praeterire possum. M. enim Marcellus vobis, P. C. reisque publ. reddito, non solum illius, sed meam etiam vocem et auctoritatem, et vobis et reipublicae conservatam ac restitutam puto. Dolebam enim, P. C. ac vehementer angebar, cum viderem, virum talem, qui in eadem causa esset, in qua ego fuisse, non in eadem esse fortuna: nec mihi persuadere poteram, nec fas esse ducbam, versari me in nostro veteri curriculo, (2) illo, aenulo atque imitatore studiorum, ac laborum meorum, quasi quodam socio à me et comite distracto. Ergo et mihi, et meae pristinae vitae consuetudinem, C. Caesar,

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* Marcus Marcellus was the head of a family, which, for a succession of many ages, had made the first figure in Rome; and was himself adorned with all the virtues that could qualify him to maintain that dignity, which he derived from his noble ancestors. He had formed himself in a particular manner for the bar, where he soon acquired great fame; and, of all the orators of his time, seems to have approached the nearest to Cicero himself, in the character of a complete speaker. His manner of speaking was elegant, strong, and copious; with a sweetness of voice, and propriety of action, that added a grace and lustre to every thing he said. Of all the magistrates, he was the fiercest opposer of Caesar's power, and the most active to reduce it: his high

spirit, and the ancient glory of his house, made him impatient under the thought of receiving a master; and when the battle of Pharsalia, where he was present on the side of Pompey, seemed at last to have imposed one upon them, he retired to Mitylene, the usual resort of men of learning; there to spend the rest of his days in a studious retreat, remote from arms, and the hurry of war; and determined not to seek any grace from the conqueror. The senate, however, encouraged by the clemency which had been shewn to several of the Pompeian chiefs, petitioned Caesar for his pardon, who generously granted their request, though he still suspected that Marcellus remained his enemy. Cicero, touched with the generosity of this act of grace,

ORATION XIII.

FOR M. MARCELLUS.

SECT. I. THIS day, conscript fathers, puts an end to that long silence which I have observed; not through any fear, but partly through grief, partly through shame; and puts me again in possession of the happy privilege of speaking my sentiments as they arise, with my usual freedom. I cannot behold so great humanity, such unparalleled and unheard-of clemency, so much moderation in the midst of such unlimited power; in one word, such incredible and almost divine wisdom, and remain in silence. For by the restoration of M. Marcellus to you and the state, I please myself with the thought, conscript fathers, that not only his, but my voice and authority, is secured, and restored to you and the republic. It was matter of great, of inexpressible concern to me, to find that so eminent a man, who had espoused the same cause with myself, did not partake of the same fortune; nor could I be satisfied, or think it equitable, to enter upon my former course, while my rival, the imitator of my pursuits and toils, and as it were my companion and partner, was torn from me. You have therefore, Caesar, opened for me the way to my former state of life, and given, as it were, a signal to these fathers of Rome, to

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and pleased with the favour conferred on his friend, expressed his thanks in the following oration; which, though made upon the spot, yet, for elegance of diction, vivacity of sentiment, and politeness of compliment, is superior to any thing extant of the kind in all antiquity. It was delivered in the year of Rome 707, and the 61st of Cicero's age.

(1) *Quo eram his temporibus usus.*] During the civil war between Pompey and Caesar, there was no senate held at Rome; for the senators had retired, some to one city, some to another. A great majority of them indeed followed

Pompey, with the better sort of all ranks; in this number was Cicero, who, after his return to Rome, though he received all possible marks of favour from Caesar, kept himself private for some time, and made no appearance in the senate.

(2) *Ilo aemulo atque imitatore studiorum ac laborum meorum.*] Marcellus was a constant admirer and imitator of Cicero; of the same principles in peace, and on the same side in war; so that Cicero lamented his absence, as the loss of a companion and partner in their common studies and labours of life.

interclusam aperuisti, et his omnibus ad bene de omni republica sperandum, quasi signum aliquod sustulisti. Intellectum est enim mihi quidem in multis, et maximè in me ipso, sed paullò antè omnibus, cum M. Marcellum senatui populoque Romano et reipublicæ concessisti, (3) commemoratis (praesertim) offenditionibus, te auctoritatem hujus ordinis, dignitatemque reipublicae tuis vel doloribus, vel suspicionibus anteferre. Ille quidem fructum omnis anteactae vitæ hodierno die maximum cepit, cum summo consensu senatus, (nam) praeterea judicio tuo gravissimo et maximo; ex quo profecto intelligis, quanta in dato beneficio sit laus, cum in accepto tanta sit gloria. Est verò fortunatus ille, cuius ex salute non minor penè ad omnes, quam ad illum ventura sit laetitia pervenerit, quod ei quidem (merito atque optimo) jure contigit; quis enim est illo aut nobilitate, aut probitate, aut optimarum artium studio, aut innocentia, aut ullo genere laudis praestantior?

II. Nullius tantum est flumen ingenii; nulla dicendi aut scribendi tanta vis, tanta copia, quae non dicam exornare, sed enarrare, C. Caesar, res tuas gestas possit; tamen hoc affirmo, et hoc pace dicam tuam, nullam in his esse laudem ampliorem quam eam, quam hodierno die consecutus es. Soleo saepè ante oculos ponere, idque libenter crebris usurpare sermonibus, omnes nostrorum imperatorum, omnes exterarum gentium, potentissimorumque populorum, omnes clarissimorum regum res gestas cum tuis nec contentionum magnitudine, (4) nec numero proeliorum, (5) nec varietate regionum, nec celeritate conficiendi, nec dissimilitudine bellorum posse conferri; nec verò disjunctissimas terras citius cujusquam passibus potuisse peragrari, quam tuis, non dicam cursibus, sed victoriis lustratae sunt. Quae quidem ego nisi tam magna esse fatear, ut ea vix cujusquam mens aut cogita-

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(3) *Commemoratis praesertim offenditionibus.*] Caesar, after he had put an end to the Gallic war, though his commission was near expiring, had no thoughts of giving it up; pretending that he could not possibly be safe, if he parted with his army, while Pompey held the province of Spain, prolonged to him for five years. The senate, to make him easy, consented to let him take the consulship, without coming to sue for it in person; but that not satisfying him, Marcellus, who was then consul, moved them to abrogate his command directly, and appoint him a successor; and since the war was at an end, to oblige him to disband

his troops, and to come likewise in person to sue for the consulship, nor to allow the freedom of the city to his colonies beyond the Po. This related particularly to a favourite colony, which Caesar had settled at Comum, at the foot of the Alps, with the freedom of the city granted to it by the Vatinian law. All the other colonies on that side of the Po, had before obtained, from Pompey's father, the rights of Latium, that is, the freedom of Rome, to those who had borne an annual magistracy in them: but Marcellus, out of a singular enmity to Caesar, would allow no such right to his colony of Comum; and having caught a certain

entertain the best hopes for the welfare of the republic. For when you gave back M. Marcellus to the senate and people of Rome, especially after recounting his offences, you convinced all men of what I had learned before from your conduct to myself in particular, and to many others, that you had sacrificed your resentments and your suspicions to the authority of this order, and the dignity of the state. The unanimous intercession of the senate, with your solemn and generous determination in his favour, has this day fully repaid the services of his past life; whence you may easily infer what a degree of merit must attend the conferring the favour, since there is so much glory in receiving it. Happy is that man indeed, whose safety affords not greater joy to himself than to all mankind! and such is the case of Marcellus, who highly deserves the fortune that attends him: for who more illustrious than he? who more upright? who more fond of useful learning? who more virtuous? who possessed of more laudable accomplishments?

SECT. II. No flow of genius, no force of eloquence, no power of description, is sufficient, Caesar, I will not say to embellish, but even to recount your exploits: yet this I affirm, and this with deference insist upon, that from none of them will you reap greater glory than from that of this day. It has often occurred to me, and I have often declared it with pleasure, that none of the achievements of our own commanders, none of foreign nations, none of the most potent people, none of the most illustrious monarchs, are worthy to be compared with yours, either in regard to the importance of the contents, the number of battles, the variety of countries, the celerity of conquest, or the diversity of enterprises. Countries the farthest distant from each other could not have been sooner travelled through, I will not say than they have been traversed by your armies, but subdued by your victories. These are circumstances so extraordinary, that it were madness not to confess that they are almost too great for human con-

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Comensium magistrate, who was acting the citizen at Rome, he ordered him to be seized and publicly whipt; an indignity from which all citizens were exempted by law: bidding the man go and shew those marks of his citizenship to Caesar.

(4) *Nec numero praeliorum.*] We are told by Pliny, that Caesar himself used to say, his conquests in Gaul cost about a million and two hundred thousand lives. If the civil wars are added to the account,

this ambitious monster must have made greater desolation in the world than any tyrant perhaps that ever lived in it.

(5) *Nec varietate regionum.*] Caesar had waged war in Spain, Britain, Gaul, Egypt, Germany, Asia, Africa, and Greece. He overcame Pompey, at Pharsalia; Ptolemy, in Egypt; Pharnaces, the son of Mithridates, in Pontus; Scipio and Juba, in Africa; and the sons of Pompey, in Spain.

tio capere possit, amens sim: sed tamen sunt alia majora. Nam bellicas laudes solent quidam extenuare verbis, easque detrahere ducibus, communicare cum militibus, ^{ne} propriae sint imperatorum; et certè in armis, militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus, multum juvant; maximam verò partem quasi suo jure fortuna sibi vindicat, et quidquid est prosperè gestum, id penè omne dicit suum. At verò hujus gloriae, C. Caesar, quam ~~es~~ ^{parvus} aucto ^{ante} adeptus, socium habes neminem; totum hoc, quantumcunque est, quod certè maximum est, totum est, inquam, tuum; nihil sibi ex ista laude centurio, nihil praefectus, nihil cohors, nihil turma ~~decepit~~; ^{beata} ^{et} ^{honest} quin etiam illa ipsa rerum humanarum domina fortuna in istius se societatem gloriae non offert: tibi cedit; tuam esse ~~totam~~, et propriam fateatur; nunquam enim temeritas cum sapientia commiscetur, nec ad consilium casus admittitur.

III. Domuisti gentes immanitate barbaras, multitudine innumerabiles, locis infinitas, omni copiarum genere abundantes; sed ea tamen vicisti, quae et naturam, et conditionem ut vincī possent, habebant; nulla est enim tanta vis [tanta copia], quae non ferri ac viribus debilitari frangique possit: verum animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute præstantem, non modò extollere faciem, sed etiam amplificare ejus pristinam dignitatem; (6) haec qui faciat, non ego eum cum summis viris comparo, sed simillimum Deo judico. Itaque, C. Caesar, bellicae tuae laudes celebrauntur illae quidem non solum nostris, sed penè omnium gentium literis atque linguis: neque ulla unquam actas de tuis laudibus conticescet. Sed tamen ejusmodi res, nescio quomodo, etiam dum audiuntur aut dum leguntur, obstrepit clamore militum videntur, et turborum sono. At verò cum aliquid clémenter, mansuetè, justè, moderatè, sapienter factum, in iracundia præseruit, quae est inimica consilio, et in victoria, quae naturā insolens et superba est, aut audimus, aut legimus; quo studio incendimur, non modò in gestis rebus, sed etiam in fictis, ut eos saepe, quos nunquam vidimus, diligamus? Te verò, quem præsentem intuemur, cuius mentem sensusque et os cernimus, ut, quidquid bellī fortuna reliquum repub. fecerit, id esse salvum velis, quibus laudibus efferemus? quibus studiis prosequemur? quā benevolentia complectemur? paric-

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(6) *Haec qui faciat, non ego eum cum summis viris comparo, sed simillimum Deo judico.*] The high compliments paid to Caesar in this oration, have given some handle for a charge of insincerity against Cicero. It ought to be considered, however, that he was delivering a speech of thanks, in the name and at the desire of

the senate, where his subject naturally required the embellishments of oratory; besides, it appears from a letter to one of Caesar's principal friends, that he entertained no small hopes at this time, that Caesar intended to restore the republic; and all his compliments are grounded on this supposition.

ception : but there are attainments even greater than these. For many are apt to deprecate military glory, and, lest the commander should assume too much, take part from the officer, and give it to the private soldier. And certainly in war, the bravery of the troops, the advantage of situation, the aid of allies, fleets, and military stores, are of great importance ; and after all, fortune, as it were of right, claims the greatest share ; and, whatever is attended with success, she for the most part arrogates to herself. But in the glory, Caesar, which you have lately acquired, you have no associate ; how great soever it is, and surely nothing can be greater, it is all your own. No commander, no captain, no troop, no battalion robs you here ; nay, even fortune, the goddess who presides over human affairs, claims no share of this honour ; to you she resigns it, and acknowledges it is entirely, it is absolutely your own : for rashness never mingles with wisdom, nor chance with counsel.

SECT. III. You have subdued nations fiercely barbarous, immensely numerous, at an infinite distance from each other, abounding in every thing necessary for war ; but these were conquests which the nature of things rendered possible. For no force is so great, no power so extensive, but is capable of being reduced by greater force, of being overcome by more extensive power ; but he who subdues the mind, who suppresses his resentment, who uses victory with moderation, who not only raises an ingenuous, an illustrious and brave adversary to the honour from which he was fallen, but heightens and enlarges his former dignity ; he who does this, suffers by a comparison with the greatest of human characters, for he resembles the Deity himself. Your military praises, Caesar, shall be celebrated : they, I say, shall be celebrated, not only amongst us, but in every language, in the annals of every nation, and the latest posterity shall proclaim them. The fame of these exploits, however, while we read of them, seems, I know not how, to be drowned amidst the shouts of armies and the din of war ; but when we read or hear of a compassionate, a generous, a humane, a just, a moderate, a prudent act performed while in anger, that foe to deliberation, and in the triumph of victory, when men are generally proud and insolent ; with such an ardent affection are we inflamed, that we are frequently in love with persons whom we never saw ; and this, not only while we contemplate realities, but even while we survey the pictures of the imagination. But with what gratitude shall we embrace, with what veneration approach, with what applause shall we crown you, whom we have constantly among us : whose disposition, whose inclination, whose countenance seems to promise, that whatever has survived the fortune of the late war, shall be again

tes, medius fidius, C. Caesar, ut mihi videtur, hujus curiae tibi gratias agere gestiunt, quod brevi tempore futura sit illa auctoritas in his majorum suorum, et suis sedibus.

IV. Evidem (7) cum C. Marcelli, viri optimi, et commemorabili pietate [ac virtute] praediti, lacrymas modò vobiscum videarem, omnium Marcellorum meum pectus memoria effudit: quibus tu etiam mortuis, M. Marcello conservato, dignitatē suam reddidisti, nobilissimamque familiam, jam ad paucos redactam, penè ab interitu vindicasti. Hunc tu igitur diem (8) tuis maximis et innumerabilibus gratulationibus jure antepones: haec enim res unius est propria C. Caesaris: caeterae, duce te, gestae, magnae illae quidem, sed tamen multo magnoque comitatu; hujus autem rei tu idem es et dux et comes: quae quidem tanta est, ut tropaeis, monumentisque tuis [nulla unquam] allatura sit finem aetas; nihil enim est opere, aut manu factum, quod aliquando non conficiat et consumat vetustas; at verò haec tua justitia, et lenitas animi florescit quotidie magis, ita ut, quantum operibus tuis diuturnitas detrahet, tantum afferat laudibus. Et caeteros quidem omnes victores bellorum civilium tam antea aequitate et misericordia viceras, hodierno verò die te ipsum vicisti. Vereor, ut hoc, quod dicam, perinde intelligi/auditū possit, atque ego ipse cogitans sentio. Ipsam victoriam viciisse videris, cum ea ipsa, quae illa erat adepta, victis remisisti; nam cum ipsius victoriae conditione jure omnes vici occidissemus, clementiae tuae judicio conservati sumus; rectè igitur unus invictus es, à quo etiam ipsius victoriae conditio visque devicta est.

V. Atque hoc C. Caesaris judicium, P. C. quam latè pateat, attendite; omnes enim, qui ad illa arma fato sumus nescio quo reipublicae misero funestoque compulsi, etsi aliquā culpā tenemur erroris humani, à scelere certè liberati sumus. Nam cum M. Marcellum, deprecantibus vobis, reipublicae conservavit, memet mihi, et item reipublicae, nullo deprecante, reliquos amplissimos viros, et sibi ipsos, et patriae reddidit; quorum et frequentiam et dignitatem hoc ipso in consessu videtis: non ille hostes induxit in curiam, sed judicavit, à plerisque ignoratione potius, et falso atque inani metu, quam cupiditate aut crudelitate bellum esse suscep-

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(7) Cum C. Marcelli, viri optimi, et commemorabili pietate praediti, lacrymas modò vobiscum viderem. This C. Marcellus was consul with L. Lentulus, in the first year of the civil war. He was brother to Marcus Marcellus, and addressed Caesar in his behalf, in a very humble and affectionate manner.

(8) Tuis maximis et innumerabilibus gra-

tulationibus.] Caesar, on account of his successes in Gaul, had a supplication or public thanksgiving of twenty-five days decreed him; an honour which, he himself says, had never before been granted to any: and when the civil wars were at an end, according to Dio, forty days were decreed to him for the same purpose.

secured to us ! By heavens, Caesar, the walls of this court seem with transport to pay their grateful acknowledgments to you ; conscious, as it were, that ere long the authority of our ancestors shall be again replaced within them.

SECT. IV. Indeed, when I beheld the tears which that singularly pious, that best of men, C. Marcellus, poured out before you, the memory of all the Marcelli struck me to the heart; whose dignity, even after their death, you have restored, by the preservation of M. Marcellus ; and rescued that illustrious house, now well nigh extinct, from almost total ruin. Justly therefore may you prefer the glory of this day to that of your numberless heroic deeds ; for this is the act of Caesar alone. Great indeed are the exploits which have been performed under your conduct ; yet they were performed with great, with powerful assistance. In the act of this day, you are yourself the conductor, yourself the assistant ; an act so truly great, that time itself shall not consume the trophies and monuments it has reared : all the works of art and labour must be destroyed by age ; but this proof of your justice, and gentleness of disposition, shall daily flourish more and more ; so that, in proportion as time shall consume the other monuments of your greatness, it shall heighten the glory of this. You had before risen superior, in the virtues of equity and mercy, to every other conqueror in our civil wars ; this day you have risen superior to yourself. But what I say, I am afraid, falls infinitely short of what I feel : permit me, therefore, to add, that you seem to have triumphed over victory herself, since you have restored to the conquered what you had gained by the conquest. For, by the right of arms, we might all have been treated as enemies : but your clemency saved us : you alone therefore are invincible, since even victory is by you stripped of all her power and privileges.

SECT. V. And observe, conscript fathers, how widely this clemency of Caesar extends. All of us, who were driven into the war by an unaccountable and destructive fatality of the state, though we are certainly in some degree liable to the imputation of human infirmity, yet are we evidently acquitted of guilt. For though he has, at your intercession, preserved M. Marcellus to the republic, yet has he, unsolicited, restored me to myself, and to the state ; and likewise restored, to themselves and to their country, those illustrious men, whose number and dignity grace this assembly : he has not brought these enemies within these walls, but generously imagined that most of those who opposed him engaged in the war rather through ignorance and groundless fears, than from principles of ambition or a love of cruelty. In that war,

tum; quo quidem in bello semper de pace agendum, audiendumque esse putavi; semperque dolui, non modo pacem, sed orationem etiam civium pacem flagitantium repudiari. Neque enim ego illa, nec ulla unquam secutus sum arma civilia; semperque mea consilia pacis et togae socia, non belli atque armorum fuerunt: hominem sum secutus privato officio, non publico: (9) tantumque apud me grati animi (fidelis memoria) valuit, ut nulla non modo cupiditate, sed ne spe quidem, prudens et sciens, tanquam ad interitum ruerem voluntarium. Quod quidem meum consilium minime obscurum fuit; nam et in hoc ordine, integrâ re, multa de pace dixi; (10) et in ipso bello eadem etiam cum capitib⁹ mei periculo sensi. Ex quo jam nemo erit tam injustus rerum aestimator, qui dubitet, quae Caesaris voluntas de bello fuerit, cum pacis auctores conservandos statim censuerit, cæteris fuerit iratior. Atque id minus mirum videretur fortasse tum, cum esset incertus exitus, et anceps fortuna belli; qui verò victor pacis auctores diligit, is profectò declarat, se maluisse non dimicare, quam vincere.

VI. Atque hujus quidem rei M. Marcello sum testis; nostri enim sensus, ut in pace semper, sic tum etiam in bello (congruebant: quoties ego eum, et quanto cum dolore vidi, cum insolentiam certorum hominum, tum etiam ipsius victoriae ferocitatem extimescentem? Quo gratior tua liberalitas, C. Caesar, nobis, qui illa vidimus, debet esse; non enim jam causae sunt inter se, sed victoriae comparanda. Vidimus tuam victoram proeliorum exitu terminatam; gladium vaginâ vacuum in urbe non vidimus; quos amissimus cives, eos Martis vis perculit, non ira victoriae: ut dubitare debeat nemo, quin multos, si fieri posset, C. Caesar ab inferis excitaret; quoniam ex eadem acie conservat quos potest. Alterius verò partis (11) nihil amplius dicam, quam id, quod omnes vere-

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(9) *Tantumque apud me grati animi fidelis memoria valuit.]* Though Cicero certainly preferred the cause of Pompey to that of Caesar, yet his personal affection for Pompey, and his gratitude for favours received, which had ever the greatest weight with him, had no small share in determining him to join him. For though he was displeased with Pompey's management of the war, and had no hopes of his success, though he knew him before to be no politician, and soon perceived him to be no general; yet, with all his faults, he could not endure the thought of deserting him.

(10) *Et in ipso bello eadem cum capitib⁹ mei periculo sensi.]* Cicero was not present at the battle of Pharsalia, nor was Cato, who staid behind also in the camp at Dyrrachium, which he com-

manded with fifteen cohorts, when Labienus brought them the news of Pompey's defeat: upon which Cato offered the command to Cicero, as the superior in dignity; and upon his refusal of it, as Plutarch tells us, young Pompey was so enraged, that he drew his sword, and would have killed him upon the spot, if Cato had not prevented it. Though this fact is not mentioned by Cicero, yet it is probable that he refers to it in this passage.

(11) *Nihil amplius dicam, quam id quod omnes verebamur, nimis iracundam futuram fuisse victoram.]* It appears from many of Cicero's letters, that he was frequently shocked when he considered with what cruelty and effusion of civil blood the success even of his own friends would certainly be attended. Fe-

indeed, I thought it always advisable to hearken to proposals of peace, and was not a little grieved that not only an accommodation, but even the petition of the citizens who earnestly implored it, was totally rejected. Never was I active in these or any other civil commotions: I have always been an advocate for peace and tranquillity, always an enemy to war and bloodshed. I joined Pompey on friendly, not political principles; and so strongly was I influenced by a grateful sense of my obligations to him, that not only without any ambition, but even without any hope, I rushed voluntarily upon evident destruction. My advice relating to the war was far from being secret. Before matters came to an extremity, I stated largely the advantages of peace in this assembly; and during the war I maintained the same opinion, even at the hazard of my life. Whence none can form so unjust an estimate of things as to doubt what were the sentiments of Caesar upon this head, since he immediately resolved to preserve those who were the advisers of peace, but behaved with more resentment to the rest. This conduct might not perhaps appear so surprising, when the event of the war was uncertain, and victory doubtful; but when he who is victorious caresses the friends of peace, he gives the clearest proof that he would rather not have fought, than have conquered.

SECT. VI. And as to the point, I am an evidence in behalf of M. Marcellus; for our sentiments were always the same, as well in war as in peace. How often, and with what concern have I seen him trembling at the insolence of some amongst us, and the inhumanity to which victory (might transport them)? Hence it is, Caesar, that we who have been witnesses of these things, ought to be the more sensible of your generosity; for we are not now weighing the merits of the cause, but the consequences of victory. We have seen your victory close in the field where it was won, and have never seen a sword drawn within our walls. The citizens we lost fell in battle, not by the insolence of victory; whence there can be no doubt but that, if it were possible, Caesar would recall many from the shades, since he now saves all he can from destruction. As to the other party, I shall only add what we were all afraid of, that had they been successful, they would have been

NOTES.

Pompey, on all occasions, affected to imitate Sylla, and was often heard to say, "Could Sylla do such a thing, and cannot I do it?" as if determined to make Sylla's victory the pattern of his own. He was in much the same circumstances in which that conqueror had once been; sustaining

the cause of the senate by his arms, and treated as an enemy by those who possessed Italy; and as he flattered himself with the same good fortune, so he was meditating the same kind of return, and threatening ruin and proscription to all his enemies.

bamur, nimis iracundam futuram fuisse victoriam; quidam enim non modò armatis, sed interdum etiam otiosis minabantur: nec, quid quisque sensisset, sed ubi fuisset, cogitandum esse dicebant: ~~ut mihi~~ quidem videantur dñi immortales. ~~C~~etiam si poenas à populo Romano ob aliquod delictum expetiverunt, qui civile bellum tantum et tam luctuosum excitaverunt, vel placati jam, vel etiam satiati aliquando omnem spem salutis ad clementiam victoris et sapientiam contulisse. Quare gaudē tuo isto tam excellenti bono, et fruere cūm fortunā et gloriā, tum etiā naturā et moribus tuis: ex quo quidem maximus est fructus jucunditasque sapienti. Caetera cūm tua recordabere, etsi persaepe virtuti, tamen plerumque felicitati tuae congratulabere: de nobis quos in repub. tecum simul salvos esse voluisti, quibies cogitabis, toties de maximis tuis beneficiis, toties de incredibili liberalitate, toties de singulari sapientia tua cogitabis: quae non modò summa bona, sed nimirum audebo vel sola dicere; tantus est enim splendor in laude vera, tanta in magnitudine animi et consilii dignitas, ut haec à virtute donata, caetera à fortuna commodata esse videantur. Noli igitur in conservandis bonis viris desfatigari, non cupiditate praesertim, aut pravitate aliqua lapsis, sed opinione officii, stultâ fortasse, certè non improbabâ, et specie quādam reipublicae: non enim tua nulla culpa est, si te aliqui timuerunt; contraquē summa laus, quod plerique minimè timendum fuisse senserunt.

VII. Nunc verò venio (12) ad gravissimam querelam, et atrocissimam suspicionem tuam; quae non tibi ipsi magis, quam cūm omnibus civibus, tum maximè nobis, qui à te conservati sumus, providenda est; quam etsi spero esse falsam, nunquam tamen verbis extenuabo: tua enim cautio, nostra cautio est; ut, si in alterutro peccandum sit, malim videri nimis timidus, quam parum prudens: sed quisnam est iste tam demens? de tuisne? tametsi qui magis sunt tui, quam quibus tu salutem insperantibus reddidisti? an ex eo numero, qui unā tecum fuerunt? Non est credibilis tantus in ullo furor, ut, quo duce omnia summa sit adeptus, hujus vitam

NOTES.

(12) *Ad gravissimam querelam, et atrocissimam suspicionem tuam.]* When Marcellus's brother threw himself at the feet of Caesar, and applied for a pardon in the

most humble and affectionate manner, Caesar complained greatly of Marcellus, and said he suspected that he designed to lay snares for him.

outrageous, since some amongst them not only threatened those who were actually in arms, but sometimes even the neutral and inactive, and publicly declared they would not inquire what a man thought, but where he had been : so that it seems to me as if the immortal gods (though they may have raised this destructive, this calamitous civil war to punish the Roman people for some aggravated offence) being appeased or sufficiently avenged, had at length directed us to hope for safety from the wisdom and compassion of our conqueror. Wherefore rejoice in this amiable quality ; enjoy your fortune and dignity ; enjoy your virtue and noble disposition ; from which the wise derive the highest delight and satisfaction. When you reflect on the other illustrious actions of your life, though you will find reason to attribute much to your bravery, yet more must be attributed to your good fortune ; but as often as you think of us, whom you have reserved to enjoy with yourself the happiness of our country, so often shall be revived in your mind the pleasing remembrance of your extensive beneficence, of your amazing generosity, and of your unparalleled wisdom ; virtues which, I will venture to say, not only constitute the highest, but the only happiness of our natures. So distinguished a lustre is there in deserved applause, so great a dignity in magnanimity and true wisdom, that these seem the gift of virtue, while other blessings are only the temporary loan of fortune. Continue therefore to protect the good ; those especially who fell not through ambition or depravity of mind, but erred through an imaginary apprehension of their duty ; weak, perhaps, surely not criminal, and supported by an appearance of patriotism. If you have been dreaded by any, their fears are not to be charged to your account : on the contrary, it is your highest honour that most men now perceive there was no foundation for them.

SECT. VII. I now proceed to your heavy charge and dark suspicions, suspicions that call not more loudly for your circumspection, than for that of every Roman, but more especially for ours who are indebted to you for our security : and though I hope they are groundless, yet I will not, by what I shall now say, endeavour to lessen them. For in your precaution consists our safety ; so that were I to err in either extreme, I would rather appear timid than imprudent. But where is the man so outrageously desperate ? Is he among your friends ? Who can be more so than those whom, contrary to their own expectations, you rescued from ruin ? Is he among the number of those who accompanied you to the war ? It is not to be suspected that any of them can be so madly infatuated, as not to prefer to his own life, the life of him under whose command he has risen to every thing he could wish for. But though your friends meditate no

non anteponat sua. At si tui nihil cogitant sceleris; cavendum est, ne quid inimici: qui? omnes enim qui fuerunt, aut suâ pertinaciâ vitam amiserunt, aut tuâ misericordiâ retinuerunt: ut aut nulli supersint de inimicis, aut, qui superfuerunt, amicissimi sint. Sed tamen, cùm in animis hominum tantae latebrae sint, et tanti recessus, augeamus sâne suspicionem tuam: simul enim augebimus et diligentiam: nam quis est omnium tam ignarus rerum, tam rudis in repub. tam nihil unquam nec de sua, nec de communi salute cogitans, qui non intelligat, tuâ salute contineri suam? et ex unius tua vita pendere omnium? Evidem de te dies noctesque, ut debeo, cogitans, casus dñitaxat humanos et incertos eventus valetudinis, et naturae communis fragilitatem extimesco; doleoque, cùm respublica immortalis esse debeat, eam in unius mortalis anima consistere: si verò ad humanos casus, incertosque eventus valetudinis, sceleris etiam accedat, insidiarumque consensio; quem deum, etiam si cupiat, opitulari posse reipublicae credamus?

VIII. Omnia sunt excitanda tibi, C. Caesar, uni, quae jacere sentis, belli ipsius impetu, quod necesse fuit, perculta atque prostrata: (13) constituenda judicia, revocanda fides, comprimendae libidines, propaganda soboles: omnia, quae dilapsa defluxerunt, severis legibus vincienda sunt. Non fuit recusandum in tanto bello civili tantoque animorum ardore et armorum, quin quassata res publica, quicunque heli eventus fuisset, multa perderet et ornamenta dignitatis, et praesidia stabilitatis suae; multaque uterque dux faceret armatus, quae idem togatus fieri prohibuisset: quae quidem nunc tibi omnia belli vulnera curanda sunt, quibus praeter te mederi nemō potest. Itaque illam tuam praeclarissimam et sapientissimam vocem invitus audivi, satis te diu vel naturae vixisse, vel gloriae. Satis, si ita vis, naturae fortassè; addo etiam, si placet, gloriae; at, quod maximum est, patriae certè parum. Quare omittit, quae so, istam doctorum hominum (in contemnenda morte) prudentiam; noli nostro periculo sapiens esse; saepe enim venit ad aures meas, (14) te

NOTES.

(13) *Constituenda judicia, revocanda fides, &c.*] Our orator here urges Caesar to restore the Roman constitution; and this he does with an honest freedom and boldness, such as became a true lover of his country, and, at the same time, with inimitable address. The generosity of the tyrant too is worthy of admiration, who, instead of resenting what Cicero said, appears to have been pleased with it. But how much more worthy of admiration would his character have been, had he followed the honest counsel that was given him, restored the republic, employed his power and influence in correcting abuses, and settling the constitu-

tion on a firm and solid basis; then would his memory have been glorious indeed, whereas now it must be held in utter abhorrence by every friend to liberty and mankind, who judges impartially of his conduct, without being dazzled by the glare of his victories, and the empty pomp of his triumphs.

(14) *Te idem istud nimis crebro dicere, satis te tibi vixisse.*] We are informed by Suetonius, that Caesar gave some of his friends good grounds to think, that he did not wish to live any longer, and that he was not grieved at his enjoying so bad a state of health.

ill, the designs of your enemies ought to be guarded against : where are they to be found ? All those who were once such, have either lost their lives by their own obstinacy, or owe them to your clemency ; so that none of those who ever were your enemies are now alive, or if they are, they are now become your firmest friends. Yet so impenetrable are the secrets of men's hearts, so deep, so dark their designs, that it becomes us to increase your suspicion, that we may at the same time increase your circumspection. For who is so void of knowledge, so unacquainted with the affairs of the state, so thoughtless about his own or the public safety, as not to perceive that your preservation includes his own, and that on your life depends the life of every Roman ? In truth, while you are day and night, as you ought to be, the subject of my thoughts, I dread the common accidents of life, the precarious enjoyment of health, and the weakness to which human nature is universally subject, and behold with concern this republic, which ought to be immortal, depending for its existence on the life of one man : but if the united force of guilt and treason should be added to the common accidents of life, and the uncertain enjoyment of health, what god, though he was willing, can we depend upon to save our country ?

SECT. VIII. By you alone, Caesar, every thing which you now see prostrate and overthrown by the unavoidable shock of war, is to be raised to its former state ; justice must be re-established, public credit retrieved, every inordinate passion suppressed, the propagation of mankind encouraged, and every irregularity, every dissolute practice checked and restrained by the severity of laws. It was not to be expected but that in so calamitous a civil war, amidst the rage of faction and the combustion of arms, the shattered state, whatever was the event of the contest, would lose many of its most graceful ornaments, many of its most powerful supports ; and it may be presumed that the commander of each party did many things in the hurry of war, which, in the calm of peace, he would have condemned. You alone are the person who must bind up the wounds which your bleeding country has received from the relentless hand of war ; for none but you can heal them. It was not without concern therefore that I heard from your mouth, that celebrated, that philosophic saying, that you had lived long enough for the purposes of nature, or the acquisition of glory. Long enough, if you will, for the purposes of nature ; for the acquisition of glory too, perhaps ; but certainly not for the service of your country. Wherefore, discard, I beseech you, that stoicism which the learned affect in despising death ; be not a philosopher at our expence. I am often told that you continually repeat that saying, that you have lived long enough for yourself. This I should grant, if you lived for yourself, or

idem / istud n^om̄is crebrò dicere, satis te tibi vixisse. Credo: sed tum id audirem, si tibi soli viveres, aut si tibi etiam soli natus es-
ses; nunc, cùm omnium salutem civium, cunctamque rempubli-
cam res tuae gestae complexae sint, tantum abes à perfectione
maximorum operum, ut fundamenta, quae cogitas, nondum jece-
ris. Hic tu modum tuae vitae, non salute reipublicae, sed equi-
tate animi definies? quid, si istud ne gloriae quidem tuae satis
est? cuius te esse avidissimum, quamvis sis sapiens, non negabis.
Parūmne igitur, inquies, gloriam magnam relinquemus? imò verò
aliis, quamvis multis, satis; tibi uni parūm; quidquid enim est,
quamvis amplum sit, id certè parūm est tum, cum est aliquid amplius.
Quòd si rerum tuarum immortalium, C. Caesar, hic exi-
tus futurus fuit, ut, devictis adversariis, rempublicam in eo statu
relinqueres in quo nunc est; vide, quaeso, ne tua divina virtus ad-
mirationis plus sit habitura quam gloriae: siquidem gloria est il-
lustris ac pervaгata multorum et magnorum vel in suos, vel in pa-
triam, vel in omne genus hominum fama meritorum.

IX. Haec igitur tibi reliqua pars est: (15) hic restat actus: in
hoc elaborandum est, ut rempublicam constituas, eaque tu in pri-
mis, cum summa tranquillitate et otio, perfruare: tum te, si voles,
cùm et patriae, quod debes, solveris, et naturam ipsam expleveris
satietate vivendi, satis diu vixisse dicio. Quid est enim (omnino)
hoc ipsum diu, in quo est aliquid extremum, quod cùm venerit,
omnis voluptas praeterita pro nihilo est, quia postea nulla futura
sit? quāquam iste tuus animus nunquam his angustiis, quas na-
tura nobis ad vivendum dedit, contentus fuit: semper immortalis
tatis amore flagravit. Nec vero haec tua vita dicenda est, quae
corpore et spiritu continetur: illa inquam, illa vita est tua, Caesar,
quae vigebit memoriam saeculorum omnium, quam posteritas alet,
quam ipsa aeternitas semper tuebitur. Huic tu inservias, huic te
ostentes oportet: quae quidem quae miretur jampridem multa ha-
bet; nunc, etiam quae laudet exspectat: obstupescit posteri certè
imperia, provincias, Rhenum, Oceanum, Nilum, pugnas innume-
rables, incredibiles victorias, monumenta, (16) munera, triumphos
audientes et legentes tuos; sed nisi haec urbs stabilita tuis
consiliis et institutis erit, vagabitur modo nomen tuum longè at-

NOTES.

(15) *Hic restat actus.*] A passage from one of our orator's letters to his brother Quintus, will illustrate this manner of expression: " Illud te ad extremum, says he, et oro, et hortor, ut, tanquam poetae boni, et actores industrii solent, sic tu in extrema parte, et conclusione numeris, ac negotii tui, diligentissimus sis, ut hic tertius annus imperii tui, tan-

" quam tertius actus, perfectissimus atque ornatissimus fuisse videatur."

(16) *Munera.*] It was customary for the Roman generals, after obtaining a victory, to give such of their soldiers as had distinguished themselves by their bravery, a *congiarium*, which, among the Romans, was a general name for all presents given on that occasion, whether money, corn, &c.

were born for yourself alone. But since the safety of every citizen, and the very being of the state, has now a necessary connection with your conduct, so far are you from having perfected, that you have not yet laid the foundation of that important work you meditate. Will you measure your life then by the goodness of your own disposition, and not by the happiness of the state? but what if that should not be enough even for the purposes of glory, which, wise as you are, you must acknowledge to be the leading passion of your soul? shall I then, say you, leave behind me only an inconsiderable portion of glory? for others it would be amply sufficient, but for you 'tis inconsiderable: for how great soever any thing may be in itself, it is still but small when compared with what is much greater. Therefore, if, after having conquered your enemies, Caesar, you close the scene of those actions which have rendered you immortal, by leaving the state in its present condition, beware, I entreat you, lest your divine virtues do not rather excite the admiration of others, than brighten your own glory; for true glory consists in the honourable and universal reputation of having done many and important services, either to one's friends, his country, or the whole race of mankind.

SECT. IX. This part of the drama is yet to be exhibited; one scene is yet to open: you must use your utmost endeavours to settle our constitution, that you may be among the first who enjoy the fruits of it, in the sweets of tranquillity and retirement; then, if you please, when you have paid the debt you owe to your country, and when nature is satiated with living, you may declare that you have lived long enough. But, after all, how can even this period be termed long enough, which must have some end, cancelling all past pleasure whenever it arrives, because there is none to succeed? Your soul has never been satisfied with the narrow limits of life, which nature has prescribed us, but has ever glowed with an ardent longing after immortality. Nor can this be called your life, which consists in the union of the soul and body; that alone, Caesar, that, I say, is your life, which shall be preserved in the memory of every succeeding age, shall be cherished by posterity, and defended by eternity itself. For these you must labour, to these you must approve yourself: many of your past exploits shall excite their admiration; something now is wanting that shall merit their applause. Future ages will, no doubt, be struck with surprise, when they read and hear of your commands, your provinces, the Rhine, the Ocean, the Nile, your innumerable battles, your incredible victories, your numerous trophies, rich donations, and splendid triumphs; but unless this city is strengthened by your consels, and guarded by your laws, your fame indeed will be scattered throughout the earth, but it will

que latè; sedem quidem stabilem et domicilium certum non habebit. Erit inter eos etiam, qui nascentur, sicut inter nos fuit, magna dissensio: cùm alii laudibus ad coelum res tuas gestas efferent: alii fortasse aliquid requirent, idque vel maximum, nisi belli civilis incendium salute patriae restinxeris: ut illud fati fuisse videatur, hoc consilii. Servi igitur iis etiam judicibus, qui multis post saeculis de te judicabunt, et quidem haud scio an incorruptius quam nos; nam et sine amore, et sine cupiditate, et rursus sine odio et sine invidia judicabunt. Id autem (17) etiam si tunc ad te, ut quidem falsò putant, non pertinebit, nunc certè pertinet, te esse talem, ut tuas laudes obscuratura nulla unquam sit oblivio.

X. Diversae voluntates civium fuerunt, distractaeque sententiae; non enim consiliis solum et studiis, sed armis etiam et castris dissidebamus. Erat autem obscuritas quaedam, erat certamen inter clarissimos duces: multi dubitabant, quid optimum esset; multi, quid sibi expediret; multi, quid deceret; nonnulli etiam, quid liceret. Perficienda respublica est hoc misero fatalique bello: vicit is, qui non fortunâ inflammaret odium suum, sed bonitate leniret; nec qui omnes, quibus iratus esset, eosdem etiam exsilio, aut morte dignos judicaret: arma ab aliis posita, ab aliis erepta sunt. Ingratus est injustusque civis, qui armorum periculo liberatus, animum tamen retinet armatum: ut etiam ille sit melior, qui in acie cecidit, qui in causa animam profudit; quae enim pertinacia est quibusdam, eadem aliis constantia videri potest. Sed quia jam omnis fracta dissensio est armis, et extincta aequitatem victoris; restat, ut omnes unum velint, qui modò habent aliquid non solum sapientiae, sed etiam sanitatis. Nisi te, C. Caesar, salvo, et in ista sententia, quâ cùm antea, tum hodie vel maximè usus es, manente, salvi esse non possumus. Quare omnes te, qui haec salva esse volumus, et hortamur, et obscurramus, ut vitae, ut saluti tuae consulas: omnesque tibi (ut pro aliis etiam loquar, quod de me ipse sentio) quoniam subesse aliquid putas, quod cavendum sit, non modò excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur.

XI. Sed ut, unde est orsa, in eodem terminetur oratio mea; maximas tibi omnes gratias agimus, C. Caesar, majorés etiam ha-

NOTES.

(17) *Etiā si tunc ad te, ut quidam falsò putant, non pertinebit.*] According to Sallust, Caesar did not believe that the souls of men were immortal, for which Cicero, in this passage, gently reprehends him.

have no fixed residence, no certain place of abode. Those who shall arise hereafter will, like us, be divided in their opinions; while some extol your actions to the skies, others perhaps will wish that somewhat, nay, a great deal more, had been done; unless by restoring liberty to your country, upon the extinction of civil discord, you show that the one was the work of fate, the other that of wisdom. Have regard therefore to those who will pass sentence upon your conduct many ages hence; and whose judgment, if I mistake not, will be more impartial than ours, as it will be uninfluenced by love, ambition, envy, or resentment. And though, as some falsely imagine, you should then be unconcerned at all this, yet surely it now concerns you to act such a part as that your glory may never be buried in oblivion.

SECT. X. Various were the inclinations of the citizens, and their opinions wholly divided; nor did we differ only in sentiments and wishes, but in arms and in the field. The merits of the cause were dubious, the contest lay betwixt two of our most illustrious leaders: many doubted which was in the right; many, what was most convenient for themselves; many, what was decent; some also, what was lawful. The republic is now freed from this fatal, this destructive war, and victory has favoured him whose resentment is not inflamed by success, but softened by clemency; him who has not adjudged to death or banishment, those who were the objects of his displeasure. Some have quitted their arms; from others they have been forced. Ungrateful and unjust is that citizen, who being delivered from the danger of war, retains the wrathful spirit of a warrior: far more amiable is he, who falls in the field, and pours out his life in defence of the cause he had espoused: for what some will think obstinacy, others will call constancy. Now, since all civil discord is quashed by your arms, or extinguished by your clemency, it remains that all of us, who have any share of prudence, or even common understanding, shall unite in our wishes. We can never be safe, Caesar, unless you continue so, and retain the same principles which you have discovered on other occasions, but particularly on this day. Therefore, all of us who wish the security of our constitution, earnestly desire and entreat you to have a regard to your life and safety; and all of us (I now speak for others what are the sentiments of my own heart), seeing you apprehend some reason to be on your guard, promise not only to protect you by day and night, but offer our own bodies and our own breasts as the shield of your defence.

SECT. XI. But to close all, as I began: great are the thanks, Caesar, we now return you; and greater than these shall you here-

bemus. Nam omnes idem sentiunt, quod ex omnium precibus et lacrymis sentire potuisti. (18) Sed quia non est stantibus omnibus necesse dicere, à me certè dici volunt, cui necesse est quodammodo, et quod volunt, et quod, M. Marcello à te huic ordini populoque Romano et reipublicae reddito, praecipue id à me fieri debere intelligo; nam lactari omnes, non ut de unius solum, sed ut de communi omnium salute, sentio: quod autem summae benevolentiae est, quae mea erga illum omnibus semper nota fuit, ut vix C. Marcello, optimo et amantissimo fratri, praeter eum quidem cederem nemini; cum id solicitudine, curâ, labore, tamdiu praestiterim, quamdiu est de illius salute dubitatum; certè hoc tempore magnis curis, molestiis, doloribus liberatus praestare debeo. Itaque, C. Caesar, sic tibi gratias ago, ut omnibus me rebus à te non conservato solum, sed etiam ornato, tamen ad tua innumerabilia in me unum merita, quod fieri jam posse non arbitrabar, maximus hoc tuo facto cunulus accesserit.



NOTES.

(18) *Sed quia non est stantibus omnibus necesse dicere.]* Whenever any senator spoke in the senate, he rose up from his seat, and stood while he was speaking; but when he assented only to another's opinion, he continued sitting.

fter receive. Our prayers and tears, on this occasion, are clear proofs of our being all of one mind. But as it is not necessary that we should all personally address you, they have allotted me that part, who am, as it were, indispensably obliged to perform it; and I am persuaded that it is in a peculiar manner incumbent upon me, as I am appointed by the senate, and as M. Marcellus is the man restored to this assembly, to the people of Rome, and to the republic; for I perceive that you all rejoice on this occasion, not for the happiness of one man, but for the general safety. My friendship for him was universally observed to be scarce surpassed by his worthy and affectionate brother, C. Marcellus, and, except him, certainly by none; and if by my solicitude, by my care and unwearyed pains to serve him while his preservation was doubtful, I shewed this so great regard for him, it is surely a tribute which I ought to pay in an hour when I am freed from so much anxiety, trouble and concern. Therefore, Caesar, I here return you thanks, not only for the security of my fortune, and the honours you have conferred upon me, but also for this generous instance of kindness by which you have crowned those innumerable favours to which I thought nothing could be added.

ORATIO XIV.

PRO Q. LIGARIO.*

I. (1) **N**ovum crimen, C. Caesar, et ante hunc diem inauditum, propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africa fuisse; idque (2) C. Pansa, praestanti vir ingenio, fretus fortasse eâ familiaritate, quae est ei tecum, auctus est confiteri. Itaque quò me vertam nescio; paratus enim veneram, cùm tu id neque per te scires, neque audire aliunde potuisses, ut ignoratione tuâ ad hominis miseri salutem abuterer. Sed quoniam diligentia inimici investigatum est id, quod latebat, confitendum est, ut opinor: praesertim cùm meus necessarius C. Pansa fecerit, ut id jam integrum non esset: omissâque controversiâ omnis oratio ad misericordiam tuam conferenda est, quâ plurimi sunt conservati, cùm à te non liberationem culpae, sed errati veniam impetravissent. ¶ Habes igitur, Tubero, quod est accusatori maximè opertandum, confidentem reum: sed tamen ita confidentem, se in ea parte fuisse, quâ te, Tubero, quâ virum onni laude dignum, patrem tuum. Itaque priùs de vestro delicto confiteamini necessè est, quam Ligarii ullam culpam reprehendatis. ¶ Q. igitur Lig-

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* Quintus Ligarius had borne a considerable command in the African war against Caesar. His two brothers however had always been on Caesar's side; and being recommended by Pansa, and warmly supported by Cicero, had almost prevailed for his pardon. But Quintus Tubero, who had an old quarrel with Ligarius, being desirous to obstruct his pardon, and knowing Caesar to be particularly exasperated against all those who, through an obstinate aversion to him, had renewed the war in Africa, accused him, in the usual forms, of an uncommon zeal and violence in prosecuting that war. Caesar privately encouraged the prosecution, and ordered the cause

to be tried in the forum, where he sat upon it in person, strongly prepossessed against the criminal, and determined to lay hold on any plausible pretence for condemning him: but the pomp and energy of Cicero's eloquence, exerted with all his skill in a cause which he had much at heart, is said by Plutarch to have had such a wonderful effect, that it not only made Caesar tremble, but, what is still more extraordinary, got the better of all his prejudices, and extorted a pardon from him against his will. Whatever truth there may be in this story, which rests entirely upon the authority of Plutarch, (who does not appear to have copied it from any earlier historian,

ORATION XIV.

FOR Q. LIGARIUS.

SECT. I. A NEW charge, Caesar, and till this day unheard-of, my kinsman Quintus Tubero has laid before you, namely, that Quintus Ligarius was in Africa: and Caius Pansa, a person of the greatest abilities, relying perhaps on that share he has in your friendship, has ventured to own it. How to behave, therefore, I know not: for I had come prepared, as you could not possibly know this of yourself, nor learn it from any other person, to have taken advantage of your ignorance in this respect, in order to save an unfortunate man; but as this secret is discovered by the diligence of our adversary, we had best confess it, I think; especially as my good friend C. Pansa has so ordered matters, that it cannot now be remedied; and, omitting all debate upon the matter, we must address ourselves entirely to your clemency; by which numbers have been preserved, obtaining at your hands, not absolution from their crimes, but pardon for their error. You have then, Tubero, what is most to be wished for by a prosecutor, the person accused pleading guilty; but pleading that you, Tubero, and your father, a man worthy of the highest praises, acted the same part for which he is now accused: you are under a necessity of confessing your own crimes, therefore, before you can impeach Ligarius. Quintus Ligarius, then, when as yet there was not the least suspicion of a war, set out for Africa with

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but to have received it only from common tradition), the art and address displayed in the oration cannot be sufficiently admired. It was delivered in the year of Rome 707, of Cicero's age 61.

(1) *Novum crimen.*] It is obvious to observe what a fine irony runs through the beginning of this oration.

(2) *C. Pansa, praestanti vir ingenio.*] This was C. Vibius Pansa, who was con-

sul with Hirtius, in the year of Rome 710. He was zealously attached to Caesar, served him in all his wars with singular affection and fidelity; but, being naturally of a humane and compassionate temper, he was touched with the miseries of the oppressed Pompeians, and, by his interest, restored many of them to the city and their estates, which rendered him extremely popular.

rius, cùm esset adhuc nulla belli suspicio, legatus in Africam cum C. Considio profectus est: qua in legatione et civibus et sociis ita se probavit, ut decedens Considius provinciâ satisfacere hominibus non posset, si quemquam alium provinciae praefecisset. Itaque Q. Ligarius, cum diu recusans nihil profecisset, provinciam accepit invitus: cui sic praefuit in pace, ut et civibus et sociis gratissima esset ejus integritas et fides. Bellum subitò exarsit: quod, qui erant in Africa, antè audiérunt geri, quàm parari: quo audito, partim cupiditate inconsideratâ, partim caeco quodam timore, primò salutis, pòst etiam studii sui, quaerebant aliquem ducem: cùm Ligarius domum spectans, et ad suos redire cupiens, nullo se implicari negotio passus est. (3) Interim P. Attius Varus, qui praetor Africam obtinuerat, Uticam venit: ad eum statim concursum est; atque ille non mediocri cupiditate arripuit imperium; si illud imperium esse potuit, quod ad privatum, clamore multitudinis imperitae, nullo publico consilio deferebatur. Itaque Ligarius, qui omne tale negotium cuperet effugere, paullum adventu Vari conquievit.

II. Adhuc, C. Caesar, Q. Ligarius omni culpâ vacat: domo est egressus, non modò nullum ad bellum, sed ne ad minimam quidem suspicionem belli: legatus in pace proiectus, in provincia pacatissima ita se gessit, ut ei pacem esse expediret. Proiectio certè animum tuum non debet offendere: num igitur remansio? multò minùs; nam proiectio voluntatem habuit non turpem, remansio etiam necessitatem honestam. Ergo hæc duo tempora carent criminè: unum, cùm est legatus proiectus; alterum, cùm efflagitatus à provincia, praepositus Africæ est. Tertium est tempus, quo post adventum Vari in Africa restitit: quod si est criminosum, necessitatis crimen est, non voluntatis. An ille, si potuisset illinc ullo modo evadere, Uticae potius quàm Romæ; cum P. Attio, quàm cum concordissimis fratribus; cum alienis esse, quàm cum suis maluisset? cùm ipsa legatio plena desiderii ac solicitudinis fuisset, (4) propter incredibilem quendam fratrum amorem, hic aequo animo esse potuit, belli discidio distractus à fratribus? Nullum igitur habes, Caesar, adhuc in Q. Ligario signum alienæ à te voluntatis; cuius ego causam, animadverte, quaeso, quâ fide defendam, cùm prodo meam. O clementiam

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(3) *Interim P. Attius Varus.*] This Varus was the first who seized Africa on the part of the republic, and, being supported by all the force of king Juba, Pompey's fast friend, reduced the whole province to his obedience. But, being defeated by Caesar, he fled with Sex. Pompeius and Labienus into Spain, and was killed in the battle of Munda.

(4) *Propter incredibilem quendam fra-*

trum amorem.] Cicero, as appears by several of his orations, took frequent occasion to move the passions by celebrating the private virtues of those whose cause he pleaded. The delicate manner in which he generally practised this art, gives us an high idea of his abilities, and shows how well he was acquainted with the human heart, and the methods of touching it.

Caius Considius, in quality of lieutenant ; in which station he so behaved himself both towards our countrymen and allies, that Considius, at his departure, could by no means have satisfied the inhabitants if he had given the government of the province to any other person. Quintus Ligarius, therefore, having long declined it to no purpose, entered upon his charge with reluctance ; and such was his administration in peace, that his integrity and honour greatly endeared him both to our countrymen and allies. A war suddenly blazed out, which those in Africa heard was already commenced, before they received intelligence that any preparation was made towards it. Upon the news of this, partly from a rash partiality, partly from a blind fear, they looked out for a leader ; first to protect them, afterwards to favour their inclinations. All this time, Ligarius, turning his eyes towards his native country, and being desirous of returning to his friends, did not suffer himself to be involved in any public business whatever. In the mean time, Publius Attius Varus, who, as praetor, had obtained Africa for his province, came to Utica. To him every body immediately ran, and he with no small eagerness took the command upon himself, if that can be called a command which was conferred upon a private man by an unthinking multitude, not by any public decree. Accordingly Ligarius, who was desirous of avoiding all business of that kind, upon the arrival of Varus, gained a little respite.

SECT. II. Hitherto, Caius Caesar, Quintus Ligarius is free from reproach. He went from home, not only to no war, but not even with the least suspicion of a war ; he went as lieutenant in a time of peace, and behaved in such a manner, in a very peaceable province, that he had reason to wish for the continuance of peace. His departure surely ought not to give you offence : could then his stay there ? certainly far less. For his departure argued no dishonourable views, and his stay was occasioned by a laudable necessity. During these two periods, therefore, he is free from reproach ; when he departed as lieutenant, and when he was set over Africa, at the solicitation of the whole province. There is a third period, namely, that when he staid in Africa, after the arrival of Varus. If this was criminal, it was owing to necessity, not to choice. Would he, if he could, by any means, have escaped from thence, have chosen to stay at Utica, rather than at Rome ; with Publius Attius, rather than with the most affectionate brothers ; and with strangers, rather than with his own kindred ? as his government had been full of trouble and anxiety, on account of the incredible affection he bore to his brothers, could he be easy in his mind when torn from them by the tumults of war ? Hitherto, Caesar, you have not the least indication, in Quintus Ligarius, of his disaffection to you ; whose cause, observe with what zeal I defend, when I thereby

admirabilem, atque omni laude, praedicatione, literis, monum-
tisque decorandum! M. Cicero apud te defendit, alium in ea
voluntate non fuisse, in qua se ipsum confitetur fuisse; nec tuas
tacitas cogitationes extimescit; nec, quid tibi de alio audienti de
seipso occurrat, reformidat.

III. Vide quām non reformidem: vide quanta lux liberalita-
tis et sapientiae tuae mihi apud te dicenti oboriatur; quantum
potero, voce contendam, ut hoc populus Romanus exaudiat.
Suscepto bello, Caesar, gesto etiam ex magna parte, nullā vi co-
actus, judicio meo ac voluntate ad ea arma profectus sum, quae
erant sumpta contra te. Apud quem igitur hoc dico? nempe
apud eum, qui cūm hoc sciret, tamen me, antequam vidit, rei-
publicae reddidit: qui ad me ex Aegypto literas misit, ut essem
idem qui fuisse: (5) qui cūm ipse imperator in toto imperio
populi Romani unus esset, esse me alterum passus est: à quo,
hoc ipso C. Pansa mihi nuntium perferente, concessos fasces lau-
reatos tenui, quoad tenendos putavi: qui mihi tum denique se sa-
lutem putavit reddere, si eam nullis spoliatam ornamenti redde-
ret. Vide, quaeso, Tubero, ut, qui de meo facto non dubitem
dicere, de Ligarii non audeam confiteri. Atque haec propterea
de me dixi, ut mihi Tubero, cūm de se eadē dicerem, ignosceret;
cujus ego industriae gloriaeque faveo, vel propter propin-
quam cognitionem, vel quōd ejus ingenio studiisque delector, vel
quōd laudem adolescentis propinquī existimo etiam ad meum ali-
quem fructum redundare. Sed hoc quaero, quis putet esse cri-
men, fuisse in Africa Ligarium? nempe is, qui et ipse in eadem
Africa esse voluit, et prohibitum se à Ligario queritur, et certè
contra ipsum Caesarem est congressus armatus. (6) Quid enim,

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(5) *Qui, cūm ipse imperator in toto imperio populi Romani unus esset, esse me alterum passus est.*] In the consulship of Servius Sulpicius, and Marcus Marcellus, Cicero was sent proconsul into Cilicia, where he defeated the Armenians, and took the city of Pindennissus: he waged war too against the robbers who infested mount Ammaus, on which account he was saluted general by the soldiers. The following year, when L. Paulus and C. Marcellus were consuls, he returned from his province to Italy, and came near to Rome: by this time a civil war had arisen under the consulate of Lentulus and Marcellus. But because he did not actually enter the city, he kept his office, and remained proconsul; for the governors of provinces, as we learn from Ulpian, retained their office no longer than they entered Rome. We have in the ninth book of the epistles to Atticus, an epistle wrote to Cicero in

the time of the civil war, in which Balbus addresses Cicero thus, *L. Cornelius Balbus, Marco Tullio Ciceroni, salutem;* and another in the tenth book, where Caesar addresses him thus: *Caesar imperator, Marco Tullio Ciceroni imperatori, salutem.*

(6) *Quid enim, Tubero, tuus ille dis- trictus in acie Pharsalica gladius agebat.*] This passage is supposed to have raised the strongest emotions in Caesar's breast, and even to have made him tremble. Accordingly the story has often been alleged in proof of the power of ancient eloquence; but the fact seems to be justly questionable. For Cicero's total silence in regard to it, seems to furnish a very strong presumptive argument to destroy the credit of it; it being altogether improbable, as the ingenious Mr Melmoth justly observes, that a man of Cicero's character should have omitted any opportunity of displaying a circumstance so

betray my own. Admirable clemency ! worthy to be extolled, to be proclaimed, to be celebrated by public records and monuments. Marcus Cicero pleads before you, that another person had not the same disposition towards you, which he confesses he himself had : nor does he dread your secret thoughts, or fear any reflections you may make upon himself, while you hear him pleading the cause of another.

SECT. III. See how undaunted I am ; see what rays of light your wisdom and generosity dart upon me, whilst I am pleading before you. I will raise my voice as much as I can, that all Rome may hear me. After the war was begun, Caesar, nay and considerably advanced, without any compulsion, from choice and inclination, I joined that party which took arms against you. Before whom do I say this ? even before him who, though he knew it, yet ere he saw me, restored me safe to my country ; who sent letters to me from Egypt, permitting me to continue in the same character I had formerly sustained ; who, when he was the only person throughout the whole empire of Rome, that had the title of emperor, allowed me to share the same honour ; from whom, this very Caius Pansa bringing me the message, I held the laur'd fasces as long as I thought proper ; who, in a word, thought he then only gave me life, when he gave it me stripped of none of its ornaments. Observe, Tubero, I beseech you, how I, that make no scruple of confessing what was done by myself, yet dare not plead guilty to what was done by Ligarius : and I mentioned these things of myself, that Tubero may forgive me when I say the same of him. He is one whose application and merit I am fond of, both on account of our near relation, the pleasure I receive from his genius and studies, and because I think the reputation of a young kinsman redounds in some measure to my own honour. But I desire to know one thing, Who thinks it a crime in Ligarius, that he was in Africa ? the very man who was desirous of being there himself ; who complains that he was hindered by Ligarius ; and who is well known to have appeared in arms against Caesar. For what, Tubero, did that naked sword

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exceedingly to the honour of his elocution. Besides this, it is very observable, that Valerius Maximus, who has a chapter expressly to shew the force of eloquence, and who mentions a particular instance of this kind with regard to Caesar himself, takes not the least notice of the fact in question ; and it is not to be supposed that he would have omitted it had he known it to be true, especially as it afforded him a much stronger instance for his purpose, than any he has thought proper to enumerate. The only ancient

writer who relates the story is Plutarch, and he introduces it with a λεγόμενον, which seems to imply that he did not copy it from any earlier historian, but received it only from common tradition. Now such a report, as Mr Melmoth observes, might have arisen from Caesar's having been seized, during the course of this trial, with one of his usual epileptic fits, which were attended with that change of colour, and trembling of the nerves, that Plutarch ascribes to the force of Cicero's rhetoric. And that this

Tubero, tuus ille districtus in acie Pharsalica gladius agebat? cuius latus ille mucro petebat? qui sensus erat armorum tuorum? quae tua mens? oculi? manus? ardor animi? quid cupiebas? quid optabas? Nimis urgeo: commoveri videtur adolescens; ad me revertar; (7) iisdem in armis fui.

IV. Quid autem aliud egimus, Tubero, nisi ut, quod hic potest, nos possemus? Quorum igitur impunitas, Caesar, tuae clementiae laus est, eorum ipsorum ad crudelitatem te acuet oratio? Atque in hac causa nonnihil equidem, Tubero, etiam tuam, sed multò magis patris tui prudentiam desidero: quòd homo cùm ingenio, tum etiam doctrinâ excellens, genus hoc causae quod esset, non viderit; nam si vidisset, quovis profectò, quam isto modo à te agi maluisset. Arguis fatentem: non est satis; accusas eum qui causam habet, aut, ut ego dico, meliorem quâm tu; aut, ut tu vis, parem. Haec non modò mirabilia sunt, sed prodigii simile est, quod dicam. Non habet eam vim ista accusatio, ut Q. Ligarius condemnetur, sed ut necetur; hoc egit civis Romanus ante te nemo; externi isti sunt mores: usque ad sanguinem incitare solent odium aut levium Graecorum, aut immanium barbarorum. Nam quid aliud agis? ut Romae ne sit? ut domo caret? ne cum optimis fratribus, ne cum hoc T. Broccho avunculo suo, ne cum ejus filio consobrino suo, ne nobiscum vivat? ne sit in patria? num est? num potest magis carere his omnibus, quâm caret? Italîa prohibetur, exsulat. Non tu ergo hunc patriâ privare, quâ caret, sed vitâ, vis. At istud ne apud eum quidem dictatorem, (8) qui omnes, quos oderat, morte multabat, quisquam egit isto modo: ipse jubebat occidi, nullo postulante: praemiis etiam invitabat; quae tamen crudelitas ab hoc eodem aliquot annis pòst, quem tu nunc crudelem esse vis, vindicata est.

V. Ego verò istud non postulo, inquies; ita mehercule existimo, Tubero: novi enim te, novi patrem tuum, novi domum, nonque vestrum; studia denique generis, ac familiae vestrae, virtutis, humanitatis, doctrinae plurimarum artium atque optimarum, nota sunt mihi omnia: itaque certò scio, vos non petere

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is all that there was of truth in the case, is rendered probable by the testimony of Suetonius, who informs us, that Caesar was twice seized with these fits, when he was engaged in judicial affairs.

(7) *Iisdem in armis fui.*] Cicero was not present at the battle of Pharsalia, but was left behind at Dyrrhachium, much out of humour, as well as out of order: his discontent to see all things going wrong on that side, and contrary to his advice, had brought upon him an ill ha-

bit of body, and weak state of health, which made him decline all public command.

(8) *Qui omnes, quos oderat, morte multabat.*] Our orator here pays a fine compliment to Caesar, who, though he was a dictator, always expressed the utmost abhorrence of Sylla's cruelty. Sylla not only exercised the most infamous cruelty that had ever been practised in cold blood in any city, by the de'estable method of a proscription, of which he

of yours do in the battle of Pharsalia? whose breast was its point aimed at? what was then the meaning of your arms? your spirit? your eyes? your hands? your ardour of soul? what did you desire? what wish for? I press the youth too much; he seems disturbed. Let me return to myself; I too bore arms on the same side.

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SECT. IV. But what else, Tubero, did we aim at, but the power of doing what Caesar now can do? Shall those very men, then, whose safety, Caesar, is owing to your clemency, by their discourses, stir you up to cruelty? and really in this cause, Tubero, I think you have been wanting in point of prudence; and much more your father, who, though a man of distinguished learning and abilities, could not perceive the nature of this prosecution; for if he had, he would have chose to have had it managed in any other manner than this. You accuse a man, who pleads guilty: nor is this all; you impeach one whose cause is either, as I say, better than yours; or, as you yourself will have it, as good. What I mention is not only wonderful, but perfectly astonishing; the tendency of this charge of yours is not, that Quintus Ligarius should be found guilty, but that he should be put to death; a thing which no citizen of Rome, before you, ever did. These are exotic manners: the volatile Greeks, or savage barbarians, used to push their resentment even to blood; and what else are you now doing? Do you desire that Ligarius should be driven from Rome? that he should be banished from his own house, from his excellent brothers, from Titus Brocchus here, his uncle, his son, and me? that he should be deprived of his country? Can he enjoy less of all these comforts than he has at present? he is forbid Italy, he lives in banishment. Your intent then is, not to deprive him of his country, but of life. A prosecution like this no man ever carried on, not even before that dictator who condemned all he hated, to die; a dictator who ordered persons to be put to death without any impeachment, and who even invited murders by rewards: a cruelty which was revenged some years after, by the very man you would now persuade to be cruel.

SECT. V. But I do not desire this, you will say; indeed, Tubero, I think you do not. For I know you, I know your father, I know your family and descent; the manners, in short, of your whole race, their virtue, their humanity, their skill in many, even the most useful arts, are all well known to me. Therefore I am certain you do not aim at blood: but you do not consider. For it

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was the first author and inventor; but as Plutarch informs us, set a reward of two talents upon the head of every man who was proscribed. Caesar had this so much in abhorrence, that he prosecuted every man as a murderer, who had touched any part of the public money for killing any person that was proscribed.

sanguinem : sed parùm attenditis ; res enim eo spectat, ut eâ poenâ in qua adhuc Q. Ligarius sit, non videamini esse contenti : quae est igitur alia, praeter mortem ? si enim in exsilio est, sicuti est ; quid amplius postulatis ? an, ne ignoscatur ? hoc verò multo acerbius, multoque est gravius ; quod nos domi petimus precibus et lacrymis, prostrati ad pedes, non tam nostrae causae fidentes, quâm hujus humanitati, id ne impetremus pugnabis ? et in nostrum fletum irrumpes ? et nos jacentes ad pedes supplicum voce prohibebis ? Si, cùm hoc domi faceremus, quod et fecimus, et, ut spero, non frustra fecimus, tu dêrepentè irrupisses, et clamare coepisses, C. CAESAR, cave ignoscas, cave te fratum pro fratribus salute obsecrantium misereatur ; nonne omnem humanitatem ext̄isses ? quanto hoc durius, quod nos domi petimus, id à te in foro oppugnari ? et in tali miseria multorum, perfugium misericordiae tollere ? Dicam plane, C. Caesar, quod sentio : si in hac tanta tua fortuna lenitas tanta non esset, quantum tu per te, per te, inquam, obtines (intelligo quid loquar) acerbissimo luctu redundaret ista victoria ; quâm multi enim essent de victoribus, qui te crudelem esse vellent, cùm etiam de victis reperiantur ? quâm multi, qui, cùm à te nemini ignosci vellent, impedirent clementiam tuam, cùm etiam ii, quibus ipse ignoristi, nolint te in alios esse misericordem ? Quòd si probare Caesari possemus, in Africa Ligarium omnino non fuisse : si honesto et misericordi mendacio saluti civis calamitosi consultum esse vellemus : tamen hominis non esset, in tanto discriminé et periculo civis, refellere et coarguere nostrum mendacium : et si esset alicujus, ejus certè non esset, qui in eadem causa et fortuna fuisset. Sed tamen aliud est errare Caesarem nolle, aliud nolle misereri : tum dices, Cave, Caesar, credas ; fuit in Africa Ligarius ; tulit arma contra te : nunc quid dicis ? Cave ignoscas. Haec nec hominis, nec ad hominem vox est : quâ qui apud te, C. Caesar, utetur, suam citius abjicit humanitatem, quâ extorquebit tuam.

VI. Ac primus aditus, et postulatio Tuberonis haec, ut opinor, fuit, velle se de Q. Ligarii scelere dicere : non dubito, quin admiratus sis, vel quòd de nullo alio quisquam, vel quòd is qui in eadem causa fuisset, vel quidnam novi facioris adferret. Scelus tu illud vocas, Tubero ? cur ? isto enim nomine illa adhuc causa caruit : alii

appears, that you are dissatisfied with the punishment which Quintus Ligarius now suffers. What other is there then but death? for if he is in banishment, as he actually is, what more can you require? that he may not be pardoned; this is still more cruel, still more grievous. Will you endeavour to prevent our obtaining what we sue for by prayers and tears, by prostrating ourselves at Caesar's feet, relying not so much on our own cause, as on his clemency? will you break in upon our tears? will you strive to frustrate those prayers, which, prostrate before him, we pour out with the voice of suppliants? if, while we are doing this at Caesar's house, which we have often done, and, I hope, not ineffectually, you had suddenly broke in upon us, and cried out, Beware, Caesar, how you pardon; beware how you are moved with compassion towards these brothers, imploring a brother's life at your hands; would you not have divested yourself of all humanity? how much more cruel then is it, for you now to oppose that in the forum, which we implored at his house? and, in such a general calamity, to take away all refuge for mercy? I will deliver my sentiments, Caesar, without disguise: if your own clemency were not as great as your fortune, your own, I say, for I know what I speak, your victory would occasion the deepest sorrow. For how many of the victorious party would persuade you to cruelty, when even the conquered do? how many of those who are against your pardoning any, would prevent your clemency, when those who have been pardoned themselves are unwilling you should be merciful to others? But if we could make it appear to Caesar, that Ligarius actually was not in Africa; if we were even desirous of consulting the safety of an unfortunate citizen, by a laudable and good-natured falsehood; it would be inhuman, when the life of a Roman is in such imminent danger, to convict us of falsehood; and if any man was to act such a part, it ought not surely to be that man, who was once involved in the same cause and fortune. But it is one thing to wish Caesar not to err; another to wish him not to be merciful. Then you would say, Beware, Caesar, how you believe: Ligarius was in Africa; he bore arms against you. But now what is it you say? Beware how you pardon him. Is this the language of one man to another? whoever, Caesar, shall address you in this manner, will sooner lay aside his own humanity, than force you out of yours.

SECT. VI. But the opening and preliminary of Tubero's pleading, I think, was this, that he intended to speak to the guilt of Quintus Ligarius. I question not but you was at a loss to know, either why nobody else had ever been charged with that crime, or that a man should carry on such a prosecution, who had been engaged in the same cause, or what new charge he would urge. Do

errorem appellant, alii timorem: qui durius, spem, cupiditatem, odium, pertinaciam: qui gravissime, temeritatem: scelus, praepter te, adhuc nemo. Ac mihi quidem, si proprium et verum nomen nostri mali quaeratur, fatalis quaedam calamitas incidisse videtur, et improvidas hominum mentes occupavisse: ut nemo mirari debeat, humana consilia divinâ necessitate esse superata. Liceat esse miseros, quamquam hoc victore esse non possumus: sed non loquor de nobis; de illis loquor, qui occiderunt: fuerint cupidi, fuerint irati, fuerint pertinaces: sceleris verò criminis, furoris, parricidii, liceat Cn. Pompeio mortuo, liceat multis aliis carere. Quando hoc quisquam ex te, Caesar, audivit? aut tua quid aliud arma voluerunt, (9) nisi à te contumeliam propulsare? quid egit tuus ille invictus exercitus, nisi ut suum jus tueretur, et dignitatem tuam? quid? (10) tu cùm pacem esse cupiebas, id-ne agebas, ut tibi cum sceleratis, an ut cum bonis civibus conveniret? Mihi verò, Caesar, tua in me maxima merita tanta certè non viderentur, si me ut sceleratum à te conservatum putarem. Quomodo autem tu de republica bene meritus esses, si tot sceleratos incolumi dignitate esse voluisses? Secessionem tu illam existimavisti, Caesar, initio, non bellum: non hostile odium, sed civile dissidium, utrisque cupientibus rempub. salvam, sed partim consiliis, partim studiis à communi utilitate aberrantibus. Principum dignitas erat penè par; (11) non par fortasse eorum, qui sequebantur: causa tum dubia, quòd erat aliquid in utraque parte, quod probari posset: nunc melior certè ea judicanda est, quàm etiam dii adjuverunt. Cognitâ verò clementiâ tuâ, quis non eam victoriam probet, in qua occiderit nemo, nisi armatus?

VII. Sed ut omittam communem causam, veniamus ad nostram. Utrum tandem existimas facilius fuisse, Tubero, Ligarium ex Africa exire, an vos in Africam non venire? Poteramus-ne, inquies, cùm senatus censisset; si me consulis, nullo modo; sed tamen Ligarium senatus idem legaverat. Atque ille eo tempore paruit, cùm parere senatui necessè erat: vos tunc paruistis, cùm

NOTES.

(9) *Nisi a te contumeliam propulsare.*] Caesar alleges, in the first book of his Commentaries, that he had been ignominiously treated in three different respects. First, when he had the administration of Gaul entrusted to him for the space of ten years, a successor was appointed to him before that time was expired. Secondly, when he left Gaul, and applied for the consulate, it was denied to him. Thirdly, when the honour of a triumph, in consequence of a victory he had gained, was refused him, the senate desired he should give an account of his management.

(10) *Tu cùm pacem esse cupiebas.*] Caesar all along affected to be desirous of an accommodation, and endeavoured particularly to persuade Cicero that he had no other view than to secure himself from the insults of his enemies, and yield the first rank in the state to Pompey; but it seems very evident that all this was mere pretence, and that he had no real thoughts of an accommodation.

(11) *Nou par fortasse eorum, qui sequebantur.*] Cicero here gives the preference, in point of dignity, to the Pompeian party; and indeed with justice, for al-

you, Tubero, call it a crime? why? for that cause has hitherto been free from such an imputation. Some call it an error, some fear; those who want to be somewhat severe, give it the name of hope, ambition, hatred, obstinacy; those who are most severe, call it rashness; you are the only one who has ever called it a crime. But if we would assign a just and proper name to our misfortune, a certain fatal calamity appears to me to have seized and taken possession of the improvident minds of men: insomuch that no one ought to be surprised that human counsels have been baffled by divine necessity. Let us be permitted to be wretched, though under such a conqueror it is impossible we should be so; but I speak not of ourselves, I speak of those that are fallen. Let it be said, they were ambitious, they were actuated by hatred, they were obstinate; but let Cneius Pompey, and the many others who are now no more, be free from the imputation of guilt, of madness, of parricide. When did any man, Caesar, hear this charge come out of your mouth? or what else was the intent of your arms, but to guard yourself from ignominy? what else did that invincible army of yours do, but defend its own rights, and your dignity? what! when you was desirous there should be peace, was it that you might accommodate matters with wicked or with virtuous citizens?

For my own part, Caesar, the favours I have received at your hands, would not appear so considerable to me, if I thought you had pardoned me as you would a villain. For how could you have deserved so well of the public, if you had suffered so many villains to retain their dignity? At first, Caesar, you thought it only a secession, not a war: no hostile rancour, but a civil dissension between two parties, who both wished well to their country, though from different passions and views they were seduced into measures inconsistent with its welfare. The leaders were almost equal in dignity, though those who followed them were perhaps not so: the cause was then doubtful, because there was something to be approved of on both sides: but now we must certainly reckon that the best, to which even the gods have lent their aid. And after such proofs of your clemency, where is the man but must approve of a victory, by which none fell but such as were in arms?

SECT. VII. But, omitting the common cause, let us proceed to that we have in hand. Which then, Tubero, do you think was easiest, for Ligarius to leave Africa, or for you not to go thither? could we help it, you will say, when the senate decreed it? if you ask my opinion, by no means: but the same senate had ordered Ligarius thither, and he obeyed at a time when there was a necessity of obeying the senate; you, at a time when any person might

NOTES.

most all the chief magistrates and senators of Rome were on Pompey's side, | whereas scarce a single person of consular dignity was on that of Caesar.

paruit nemo qui noluit. Reprehendo igitur? minimè verò; neque enim licuit aliter vestro generi, nomini, familiae, disciplinae: sed hoc non concedo, ut quibus rebus gloriemini in vobis, easdem in aliis reprehendatis. Tuberonis sors conjecta est ex S. C. cùm ipse non adesset, morbo etiam impediretur: statuerat [se] excusare. Haec ego novi propter communes necessitudines, quae mihi sunt cum L. Tuberone: domi unà erudit, (12) militiae contubernales, pòst affines, in omni denique vita familiares: magnum etiam vinculum, quòd iisdem semper studiis usi sumus. Scio igitur Tuberonem domi manere voluisse, sed ita quidam agebant, ita reipublicae sanctissimum nomen opponebant, ut, etiam si aliter sentiret, verborum tamen ipsorum pondus sustinere non posset. Cessit auctoritati amplissimi viri, vel potiùs paruit: unà est profectus cum iis, quorum erat una causa: tardius iter fecit: itaque in Africam venit jam occupatam. Hinc in Ligarium crimen oritur, vel ira potiùs: nam si crimen est prohibere illum voluisse, non minùs magnum est, vos Africam, omnium provinciarum arcem, natam ad bellum contra hanc urbem gerendum, obtinere voluisse, quàm aliquem se imperatorem esse maluisse. Atque is tamen aliquis Ligarius non fuit. Varus imperium se habere dicebat: fasces certè habebat. Sed quoquo modo se illud habet; haec querela vestra, Tubero, quid valet? recepti in provinciam non sumus: quid, si essetis? Caesarine eam tradituri fuissetis, an contra Caesarem retenturi?

VIII. Vide quid licentiae, Caesar, nobis tua liberalitas det, vel potiùs audaciae. Si responderit Tubero, Africam, quòd senatus eum sorsque miserat, tibi patrem suum traditum fuisse: non dubitabo apud ipsum te, cuius id eum facere interfuit, gravissimis verbis ejus consilium reprehendere; non enim si tibi ea res grata fuisset, esset etiam probata. Sed jam hoc totum omitto, non tam ut ne offendam tuas patientissimas aures, quàm ne Tubero, quod nunquam cogitavit, facturus fuisse videatur. Veniebatis igitur in Africam provinciam, unam ex omnibus huic victoriae maximè infestam: in qua erat rex potentissimus, inimicus huic causae, aliena voluntas, conventus firmi atque magni: quaero, quid facturi fuissetis? quanquam quid facturi fueritis non dubitem, cùm videam,

NOTES.

(12) *Militiae contubernales.*] Vegetius tells us, that the centuries were divided in such a manner, that ten soldiers quartered under one pavilion, or tent, and had one set over them, who is called the *caput contubernii*. This circumstance gave rise to very intimate acquaintances

among the soldiers. Cicero and Tubero had been *contubernales*, or tent-fellows, in the Marsic war, which is likewise called the Italic, and the Social war. In that war Cicero served under Cn. Pompeius Strabo, the father of Pompey the Great.

have disobeyed, if he pleased. Do I then blame you? not in the least. Your birth, name, family, and education, would not permit you to act otherwise; but I cannot allow that you should condemn in others what you glory in yourselves. Tubero's commission was allotted him by a decree of the senate, when he himself was not present, nay, when he was confined by sickness: he had resolved to excuse himself. These things I became acquainted with by means of the connections I have with L. Tubero. We were educated at home together; served abroad together; were afterwards allied by marriage; and, in a word, have been intimate all our lives. What united us very closely too, was our having always pursued the same studies. To my knowledge, then, Tubero wanted to stay at home; but matters were so carried on by certain persons; so often did they oppose the sacred name of the public to his resolutions, that, though he thought otherwise, he was not able to support the very weight of words. He yielded to, or rather obeyed the authority of a very great man, went along with those who were engaged in the same cause, proceeded slowly in his journey, and accordingly came into Africa, when it was already taken possession of. Hence proceeds the charge, or rather resentment against Ligarius. For if it is a crime to have been inclined to prevent you, it is no less criminal in you to have been desirous of seizing Africa, the strength of all our provinces, and a country destined to make war on this city, than for any other to have been desirous of being master of it: and yet this other was not Quintus Ligarius. Varus said that he was in possession of the government; the fasces he certainly had; but however that be, what can this complaint of yours, Tubero, avail? we were not admitted into the province. What if you had? would you have delivered it up to Caesar, or have held it against him?

SECT. VIII. Observe what freedom, Caesar, or rather what presumption your goodness inspires us with. If Tubero should reply, that his father would have delivered up to you the province of Africa, whither the senate and his own fortune had sent him, I shall not scruple, even before you, whose interest it was that he should do this, to condemn his conduct in the severest terms; for though such a proceeding might have been acceptable to you, yet you could not have approved of it; but I pass by all this, not so much lest I should offend your unequalled patience, as lest Tubero should seem to have attempted what he never thought of. You came then into Africa, that province which of all others was most exasperated at Caesar's success; in which there was a very powerful prince, an enemy to this cause; the people disaffected, and strong and mighty alliances formed: I ask, what you intended to have done? though I have no doubt of what you would have done,

quid feceritis. Prohibiti estis in provincia vestra pedem ponere; et prohibiti, ut perhibetis, summa cum injuria: quomodo id tulistis? acceptae injuriae querelam ad quem detulistis? nempe ad eum, cuius auctoritatem secuti in societatem belli veneratis. Quòd si Caesaris causâ in provinciam veniebatis, ad eum profectò exclusi provinciâ venissetis: venistis ad Pompeium. Quae est haec ergo apud Caesarem querela, cùm eum accusatis, à quo queramini vos prohibitos contra Caesarem bellum gerere? Atque in hoc quidem vel cum mendacio, si vultis, gloriari per me licet, vos provinciam fuisse Caesari tradituros, etiamsi à Varo et quibusdam aliis prohibiti essetis; ego autem confitebor, culpam esse Ligarii, qui vos tantae laudis occasione privaverit.

IX. Sed vide, quaeso, C. Caesar, constantiam ornatissimi viri L. Tuberonis: quam ego, quamvis ipse probarem, ut probo, tamen non commemorarem, nisi à te cognovissem imprimis eam virtutem solere laudari. Quae fuit igitur unquam in ullo homine tanta constantia? constantiam dico? nescio an melius patientiam possem dicere: quotus enim istud quisque fecisset, ut, à quibus partibus in dissensione civili non esset receptus, essetque etiam cum crudelitate rejectus, ad eas ipsas rediret? magni cujusdam animi, atque ejus viri esset, quem de suscepta causa propositaque sententia, nulla contumelia, nulla vis, nullum periculum posset depellere. Ut enim caetera paria Tuberoni cum Varo fuissent, honos, nobilitas, splendor, ingenium, quae nequaquam fuerunt: hoc certè praecipuum Tuberoni fuit, quod justo cum imperio ex S. C. in provinciam suam venerat; hinc prohibitus, non ad Caesarem, ne iratus; non domum, ne iners; non aliquam in regionem, ne condemnare causam illam, quam secutus esset, videretur; in Macedonia ad Cn. Pompeii castra venit, in eam ipsam causam à qua erat rejectus cum injuria. Quid? cùm ista res nihil commovisset ejus animum, ad quem veneratis, languidiore, credo, studio in causa fuitis: tantummodo in praesidiis eratis; animi verò à causa abhorrebant? an, ut fit in bellis civilibus, nec in vobis magis, quam in reliquis, omnes vincendi studio tenebamur? pacis equidem semper auctor fui; sed tum serò: erat enim amentis, cùm aciem videres, pacem cogitare. Omnes, inquam, vincere volebamus: tu certè praecepü, qui in eum locum venisses, ubi tibi esset pereundum, nisi viciisses: quanquam, ut nunc se res habet, non dubito, quin hanc salutem anteponas illi victoriae.

when I saw what you afterwards did. You were prevented from setting your foot in that province, and prevented, as you allege, by the greatest injustice. How did you bear with this? to whom did you make your complaints for the injuries you received? why, to the very man whose authority you acknowledged, and whose party he joined in the war? But if you had come upon Caesar's account to this province, to him certainly you would have gone, when debarred it; but you went to Pompey. With what face, then, can you complain to Caesar, when you accuse the man, by whom you complain that you ~~were~~ prevented from making war against Caesar? And this, indeed, though false, I will give you leave to boast of, if you please, that you intended to have delivered up the province to Caesar, but were prevented by Varus and some others. Yet I will confess, that the whole blame is to be laid upon Ligarius, who deprived you of an opportunity of so much glory.

SECT. IX. But observe, Caesar, I beseech you, the constancy of the most accomplished L. Tubero; a virtue which, though I approved of, as I really do, yet I should not have mentioned, were it not that I know you used to extol it above all other virtues. Was ever then such great constancy known in any man? Constancy, do I say? I know not whether I ought not rather to call it perseverance. For in a civil dissension, would any man, who is not only not admitted into a party, but even rejected with cruelty, apply again to the same party? This shews a certain greatness of soul, and is worthy of that man whom no indignities, no power, no danger can drive from the cause he engages in, and the principles he embraces. Supposing, what was far from being the case, that Tubero was but on an equal footing with Varus, as to dignity, quality, figure, and genius; in this certainly Tubero had the advantage, that he came into his own province, invested with a legal command from the senate. When he was driven thence, he did not betake himself to Caesar, lest he should seem to be actuated by resentment; not home, lest he should seem inactive; not to a foreign country, lest he should seem to condemn that cause which he had espoused; but to Pompey's camp in Macedonia, and to that party by which he had been injuriously rejected. But now, when this made no impression on Pompey's mind, you ~~were~~ much less zealous in the cause. You were only employed in the garrisons, but had an utter aversion to the party; or, as is generally the case in civil wars, nor more with you than others, were we all possessed with the desire of conquering? I indeed was always a promoter of peace, but it was then too late; for it must have been madness to entertain thoughts of peace, when the battle was already set in array. We were all, I say, desirous of conquering; you especially, who came to that camp, where you must either die or conquer: though, as the case now stands, I doubt not but you prefer being safe here, to being victorious there.

X. Haec ego non dicerem, Tubero, si aut vos constantiae vestrae, aut Caesarem beneficii sui poeniteret. Nunc quaero, utrum vestras injurias, an reipublicae persequamini: si reipublicae; quid de vestra in ea causa perseverantia respondebitis? si vestras; videte ne erretis, qui Caesarem vestris inimicis iratum fore putetis, cum ignoverit suis. Itaque num tibi video, Caesar, in causa Ligarii occupatus esse? num de ejus facto dicere? quicquid dixi, ad unam summam referri volo, vel humanitatis, vel clementiae, vel misericordiae tuae. Causas, Caesar, egi multas, (13) et quidem tecum, (14) dum te in foro tenuit ratio honorum tuorum: certè nunquam hoc modo: *Ignoscite, judices: erravit: lapsus est: non putavit: si unquam posthac: ad parentem sic agi solet; ad judices, Non fecit, non cogitavit, falsi testes, fictum crimen.* Dic te, Caesar, de facto Ligarii judicem esse: quibus in praesidiis fuerit, quaere, taceo: ne haec quidem colligo, quae fortasse valerent etiam apud judicem: legatus ante bellum profectus, relictus in pace, bello oppressus, in eo non acerbus: tum etiam fuit totus animo et studio tuus. Ad judicem sic agi solet; sed ego ad parentem loquor, Erravi, temerè feci, poenitet: ad clementiam tuam configio: delicti veniam peto: ut ignoscas oro; si nemo imperavit, arroganter; si plurimi, tu idem fer opem, qui spem dedisti. An sperandi Ligario causa non sit, cum mihi apud te sit locus etiam pro altero deprecandi? Quanquam neque in hac oratione spes est posita causae, nec in eorum studiis, qui à te pro Ligario petunt, tui necessarii.

XI. Vidi enim et cognovi, quid maximè spectares, cum pro aliquis salute multi laborarent: causas apud te rogantium gratiosiores esse, quam preces: neque spectare, quam tuus esset necessarius is, qui te oraret; sed quam illius, pro quo laboraret. (15) Itaque

NOTES.

(13) *Et quidem tecum.*] Caesar is ranked by Cicero among the greatest orators that Rome ever bred. He is said to have published several orations, which were greatly admired for two qualities seldom found together, strength and elegance. Quintilian says of him, that he spoke with the same force with which he fought; and that if he had devoted himself to the bar, he would have been the only man capable of rivalling Cicero.

(14) *Dum te in foro tenuit ratio honorum tuorum.*] The forum, or great square of the city, was the place where the assemblies of the people were held, and where all the public pleadings and judicial proceedings were usually transacted. As this, therefore, was the grand school

of business and eloquence, the scene on which all the affairs of the empire were determined; it was here that those who aspired after public dignities laid the foundation of their fortunes. They applied themselves to the pleading of causes, and to the defence of the innocent in distress, as the surest way to popularity; and, in consequence of that, to power and influence in the state. Caesar is said to have practised in this manner from the twenty-first to the thirty-ninth year of his age.

(15) *Itaque tribuis tu quidem tuis ita multa.*] This passage is not a little perplexed, and, if the common reading must needs be retained, it will be difficult to find any just connection between this and

SECT. X. These things I should not have mentioned, Tubero, if either you repented of your constancy, or Caesar of his goodness. I now ask, whether you carry on this prosecution for your own, or your country's wrongs? If your country's, how can you account for your steady adherence to that party? If your own, take care that you do not mistake in thinking that Caesar will retain a resentment against your enemies, after he has pardoned his own. Do you think then, Caesar, that I mean here to plead the cause of Ligarius only, and to speak of his conduct? Whatever I have said, I desire may be understood as relating to the single point, either of your humanity, your clemency, or your compassion. I have pleaded many causes, Caesar, even with you, while your progress in honours led you to the forum, but never surely in this manner: *Pardon him, my lords! he has fallen into an error; he has made a slip; he did not think; if he ever offends any more.* Thus indeed we are wont to plead before a father: but before the judges, *He did not do it; he had no such intention; the evidence is false; the charge is groundless.* Pronounce yourself the judge, Caesar, of what is charged on Ligarius; inquire in what garrisons he was. I say nothing; nor shall I urge what might perhaps amount to a full proof before a judge: he went abroad as a lieutenant before the war; he was left in the province in a time of peace; he was overpowered in time of war; but proved no violent enemy, for his heart was wholly yours. This is the manner of pleading before a judge; but I am now speaking before a father: I have done amiss; I have acted rashly; I am sorry for it; I fly to your clemency; I beg pardon for my offence; I beseech you to forgive me. If no one has ever obtained forgiveness at your hands, then am I guilty of arrogance; but if many have, do you who have inspired us with hope, likewise grant us relief. Shall Ligarius have no room for hope, while even I am permitted to intercede for another? though my hopes of succeeding in this cause are neither placed in this speech, nor in the solicitations of your friends in favour of Ligarius.

SECT. XI. For I have seen and know what you chiefly regard, when many solicit warmly in favour of one, that the cause of your suppliants has more weight with you than their entreaties; and that you do not consider how much the person who applies is your friend, but how much he is the friend of him for whom he applies;

NOTES.

the preceding sentence. If we read *etsi*, instead of *itaque*, it will, we apprehend, remove the obscurity: and though we know of no authority for making this alteration in the text, we have adopted it

in the translation, leaving the reader at liberty to take the passage in this sense, or any other that may seem more satisfactory, as we cannot be certain of having hit upon our orator's meaning.

tribuis tu quidem tuis ita multa, ut mihi beatiores illi esse videantur interdum, qui tuâ liberalitate fruuntur, quâm tu ipse, qui illis tam multa concedis. Sed video tamen apud te causas, ut dixi, roganum valere plus, quâm preces; ab iisque te moveri maximè, quorum justissimum dolorem videas in petendo. In Q. Ligario conservando, multis tu quidem gratum facies necessariis tuis: sed hoc, quaeso, considera, quod soles. Possum fortissimos viros, Sabinos, tibi probatissimos, totumque agrum Sabinum, florem Italiae, ac robur reipublicae proponere; nôsti optimè homines; animadverte horum omnium moestitiam et dolorem; hujus T. Brocchi, de quo non dubito quid existimes, lacrymas squaloremque ipsius, et filii vides. Quid de fratribus dicam? noli, Caesar, putare de unius capite nos agere: aut tres tibi Ligarii in civitate retinendi sunt, aut tres ex civitate exterminandi: quodvis exsilium his est optatius, quâm patria, quâm domus, quâm dii penates, uno illo exsulante. Si fraternè, si piè, si cum dolore faciunt, moveant te horum lacrymae, moveant pietas, moveant germanitas: valeat tua vox illa, quae vicit; te enim dicere audiebamus, nos omnes adversarios putare, nisi qui nobiscum essent; te omnes, qui contra te non essent, tuos. Videsne igitur hunc splendorem, omnem hanc Brocchorum domum, hunc L. Marcium, C. Cacsetium, L. Corfidium, hosce omnes equites Rom. qui adsunt veste mutatâ, non solùm notos tibi, verùm etiam probatos viros, (16) tecum fuisse? Atque his [maximè] irascebamus, et hos requirebamus, et his nonnulli etiam minabantur. Conserva igitur tuis suos; ut, quemadmodum caetera quae dicta sunt à te, sic hoc verissimum reperiatur.

XII. Quòd si penitus perspicere posses concordiam Ligiarum, omnes fratres tecum judicares fuisse. An potest quisquam dubitare, quin, si Q. Ligarius in Italia esse potuisset, in eadem sententia futurus fuisse, in qua fratres fuerunt? quis est, qui horum consensum conspirantem, et penè conflatum, in hac propè aequalitate fraterna non noverit? qui hoc non sentiat, quidvis priùs futurum fuisse, quâm ut hi fratres diversas sententias fortunasque sequerentur? Voluntate igitur omnes tecum fuerunt: tempestate abreptus est unus; qui si consilio id fecisset, esset eorum similis, quos tu tamen salvos esse voluisti. Sed ierit ad bellum: dissenserit non à te solùm, verùm etiam à fratribus: hi te orant tui. Evidem cùm tuis omnibus negotiis interessem, me-

NOTES.

(16) *Tecum fuisse?*] From what goes before, and from what follows, it appears very evident, that Cicero does not speak here of those who followed Caesar to the war, but of those who chose to stay at

home, and not to join either party: for Caesar reckoned the latter his friends as well as the former, as we are told in the preceding sentence.

though such is your liberality to your friends, that those who share it seem sometimes more happy to me than you who dispense it. But yet I perceive, as I said before, that the cause of your suppliants has more weight with you than their entreaties; and that you are influenced most by those whose grief you observe to be best grounded. In preserving Q. Ligarius, you will indeed do an agreeable thing to many of your friends; but attend, I beseech you, as you usually do, to one thing. I can produce to your view the Sabines, men of the greatest bravery, approved by you, together with the whole country, the flower of Italy, and bulwark of the state: you know the men well; observe their grief and sorrow. Your opinion of T. Brocchus here, I am no stranger to; observe his tears and concern, observe the tears of his son. What shall I say of his brothers? do not imagine, Caesar, that we are now interceding for one man's life; three Ligarius's are to be fixed by you in Rome, or rooted out of it for ever: any exile is more eligible to them than their country, than their home, than their household gods, while this one brother is in banishment. If their behaviour is brotherly, if it is pious, if it is affectionate, let their tears, let their piety, let their fraternal regards move you. Let your word prevail, as it has hitherto done; for we heard you say, that we looked upon all as enemies that were not with us, but that you looked upon all as friends that were not against you. Must you not acknowledge, then, that all this splendid appearance, all this family of the Brocchi, L. Marcius here, C. Caesetius, L. Corfidius, all these Roman knights, who are present in mourning apparel, whom you not only know, but know to be worthy men, were all of your party? These are the men we were most offended at; we demanded them, nay some of us even threatened them. Preserve their friends, therefore, that your veracity may appear in this, as in every thing else you have said.

SECT. XII. But if you could thoroughly perceive the harmony there is among the Ligarii, you would be of opinion they were all of your side. If Q. Ligarius could have been in Italy, can there be any doubt whether he would have been in the same way of thinking with his brothers? who does not know the harmony, and almost sameness of sentiment of this brotherhood? who is not sensible that any thing may sooner happen, than that these brothers should be divided in their sentiments or fortunes? All then were with you in inclination: one was borne away by a tempest; and though he had been separated from you by design, he would still be on the same footing with those whom yet you have thought proper to spare. But, allowing that he took up arms, that he separated himself not only from you, but likewise from his brethren; yet those who intercede for him are your friends. Indeed, as I have taken a concern in all your affairs, I well remember how

moriā teneo, qualis tum T. Ligarius quaestor urbanus fuerit erga te et dignitatem tuam: sed parum est me hoc meminisse; spero etiam te, qui oblivious nihil soles, nisi injurias, quoniam hoc est animi, quoniam etiam ingenii tui, te aliquid de hujus quaestoris officio cogitantem, etiam de aliis quibusdam quaestoribus reminiscentem recordari. Hic igitur T. Ligarius, qui tum nihil egit aliud (neque enim haec divinabat) nisi ut tu eum tui studiosum, et bonum virum judicares, nunc à te supplex fratris salutem petit: quam hujus admonitus officio cùm utrisque his dederis, tres fratres optimos et integerrimos, non solum sibi ipsos, neque his tot ac talibus viris, neque nobis necessariis suis, sed etiam reipublicae condonaveris. Fac igitur, quod de homine nobilissimo et clarissimo M. Marcello restituto fecisti nuper in curia, nunc idem in foro de optimis, et huic omni frequentiae probatissimis fratribus: Ut concessisti illum senatui, (17) sic da hunc populo, cuius voluntatem carissimam semper habuisti: et si ille dies tibi gloriissimus, populo Romano gratissimus fuit; noli, obsecro, dubitare, C. Caesar, similem illi gloriae laudem quām saepissimē quaerere; nihil est enim tam populare quām bonitas: nulla de virtutibus tuis plurimis nec gratior, nec admirabilior, misericordiā est; homines enim ad deos nullā re propius accedunt, quām salutem hominibus dando: nihil habet nec fortuna tua majus, quām ut possis; nec natura tua melius, quām ut velis conservare quamplurimos. Longiorem orationem causa forsitan postulat, tua certè natura breviorem. Quare, cùm utilius esse arbitrer te ipsum, quām me, aut quenquam loqui tecum, finem jam faciam: tantū te ipsum admonebo, si illi absenti salutem dederis, praesentibus his omnibus te daturum.

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(17) *Sic da hunc populo.*] It may not be improper to acquaint the reader, that Ligarius was a man of distinguished zeal for the liberty of his country, and that after his return he lived in great confidence with Brutus, who found him a fit person to bear a part in the conspiracy against Caesar. Near the time of its execution, however, he happened to be taken ill: and when Brutus, in a visit to

him, began to lament that he was fallen sick in a very unlucky hour; Ligarius, Plutarch tells us, raising himself presently upon his elbow, and taking Brutus by the hand, replied, *Yet still, Brutus, if you mean to do any thing worthy of yourself, I am well.* Nor did he disappoint Brutus's opinion of him, for we find him afterwards in the list of the conspirators.

much T. Ligarius, when city quaestor, was devoted to you and your dignity. But it is to little purpose for me to call this to mind ; I hope that you, whose nature and disposition it is to forget nothing but injuries, will, upon recollection, remember somewhat of his conduct as a quaestor, especially when you call to mind that of some other quaestors. The same T. Ligarius, then, who at that time meant nothing else than to make you believe he was devoted to your service, and a worthy man (for this he could not foresee), now begs his brother's life at your hands. When you grant this, as a reward of his services, to both the suppliants, you will then restore three brethren of distinguished worth and probity, not only to one another, nor to that numerous and honourable body, nor to us his friends, but to the service of the state. What you lately did then in the senate, by the illustrious M. Marcellus, that do now in the forum, by the best of brothers, men highly approved of by this numerous assembly. As you granted Marcellus to the senate, give Ligarius to the people, whose affections you have ever held so dear ! and if that day was glorious to yourself, and delightful to the Roman people, do not hesitate, I beseech you, Caesar, to acquire the like glory as often as possible. For there is nothing so popular as goodness ; not one of your numerous virtues is either more amiable, or more worthy of admiration, than your clemency. In nothing do men approach nearer to the gods, than by preserving their fellow-creatures. Your fortune has not any thing more exalted than that you have the power, or your nature any thing more amiable than that you have the inclination, to save numbers. This cause, perhaps, requires a longer speech ; your disposition, certainly a shorter one. Wherefore, as I am persuaded that the language of your own heart will have more efficacy than any thing that I, or any other person, can say, I shall here conclude, after putting you in mind, that by preserving the man who is absent, you preserve all who are present.

ORATIO XV.

IN M. ANTONIUM PHILIPPICARUM*

PHILIPPICA PRIMA.

I. ANTEQUAM de republica, patres conscripti, dicam ea, quae dicenda hoc tempore arbitror, exponam vobis breviter consilium et profectionis, et reversionis meae. (1) Ego, cum sperarem aliquando ad vestrum consilium auctoritatemque rempublicam esse revocatam, manendum mihi statuebam, quasi in vigilia quadam consulari ac senatoria; nec vero usquam discedebam, nec a repub-

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* When Caesar was put to death in the senate, Mark Antony, who was his colleague in the consulship, apprehending some danger to his own life, stripped himself of his consular robes, fled home in disguise, began to fortify his house, and kept himself close all that day; till, perceiving the pacific conduct of the conspirators, he recovered his spirits, and appeared again the next morning in public. His sole view was to seize the government to himself, the moment he should be in a condition to do it; and then, on pretence of revenging Caesar's death, to destroy all those who were likely to oppose him. Such were his designs, which he pushed on with great vigour and address: he made it his business to gain time by dissembling, and deceiving the republican party into a good opinion of him: professed a sincere inclination to peace, and no other desire than to see the republic settled again on its old basis. He seemed indeed to be all goodness and moderation; talked of nothing but healing measures; and, for a proof of his sincerity, moved that the conspirators should be invited to take part in the public deliberations, and sent his son as an hostage for their safety. Upon which they all came down from the Capitol, where they had taken refuge; Brutus supped with Lepidus, Cas-

sius with Antony; and the day ended to the universal joy of the city, who imagined that their liberty was now crowned with certain peace. On the pretence of public concord, however, there were several things artfully proposed and carried, of which he afterwards made a most pernicious use; particularly a decree for the confirmation of all Caesar's acts. He soon let all people see for what end he had provided this decree, to which the senate consented for the sake of peace; for, being master both of Caesar's papers, and of his secretary Faberius, by whose hand they were written, he had an opportunity of forging and inserting at pleasure whatever he found of use to him; which he practised without any reserve or management; selling publicly for money, whatever immunities were desired by countries, cities, princes, or private men, on pretence that they had been granted by Caesar, and entered into his books. He gave several other instances of his violence, which opened the eyes of the conspirators, and convinced them that there was no good to be expected from him, nor from the senate itself, which was under his influence. This turn of affairs made Cicero resolve to prosecute what he had long been projecting, his voyage to Greece, to spend a few months with his son at Athens. He

ORATION XV.

THE FIRST AGAINST M. ANTONY.

SECT. I. BEFORE I treat, conscript fathers, of those things relating to the public, which I think necessary to be mentioned on this occasion, I shall explain to you, in a few words, the reason both of my departure and return. When I flattered myself that the government was at length brought again under your direction and authority, I determined with myself to continue here on a kind of a consular and senatorian watch; nor did I once desert my

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despaired of any good from the consulship of Antony and Dolabella, and intended to see Rome no more till their successors Pansa and Hirtius entered into office, in whose administration he began to place all his hopes. Having prepared every thing necessary for his voyage, he set sail for Greece: but was driven back by contrary winds to Leucopetra, a promontory nigh Rhegium, and forced to repose himself in the villa of his friend Valerius, and wait for the opportunity of a fair wind. During his stay there, the principal inhabitants of the country came to pay him their compliments, and brought him news of an unexpected turn of affairs at Rome towards a general pacification. This made him presently drop all thoughts of pursuing his voyage, and determine to return to Rome, where he arrived on the last of August. The senate met the next morning, to which he was particularly summoned by Antony; but excused himself by a civil message, as being too much indisposed by the fatigue of his journey. Antony took this as an affront, and in great rage threatened, openly in the senate, to order his house to be pulled down, if he did not come immediately; till, by the interposition of the assembly, he was dissuaded from using

any violence. The business of the day was to decree some extraordinary honours to the memory of Caesar, with a religious supplication to him, as to a divinity. Cicero was determined not to concur in it, yet knew that an opposition would not only be fruitless but dangerous; and for that reason stayed away. Antony, on the other hand, was desirous to have him there, fancying that he would either be frightened into a compliance, which would lessen him with his own party, or, by opposing what was intended, make him odious to the soldiery; but, as he was absent, the decree passed without any contradiction. The senate met again the next day, when Antony thought fit to absent himself, and leave the stage clear to Cicero; who accordingly appeared, and delivered this speech, being the first of those which, in imitation of Demosthenes, were called afterwards his *Philippics*. It was pronounced in the sixty-third year of his age, and the seven hundred and ninth from the building of the city.

(1) *Ego, cum sperarem aliquando ad vestrum consilium, &c.]* Caesar's death seemed the most likely means of restoring that authority to the senate, which his ambition, while alive, had deprived them of; but, by the artifice of Antony,

lica dejiciebam oculos, (2) ex eo die, quo in aedem Telluris convocati sumus; in quo templo, quantum in me fuit, jeci fundamenta pacis: (3) Atheniensiumque renovavi vetus exemplum: (4) Graecum etiam verbum usurpavi quo tum in sedandis discordiis usa erat civitas illa: atque omnem memoriam discordiarum oblivione sempiternâ delendam censui. Praeclara tum oratio M. Antonii: egregia etiam voluntas; pax denique per eum et per liberos ejus cum praestantissimis civibus confirmata est. Atque his principiis reliqua consentiebant; ad deliberationes eas, quas habebat domi de republica, principes civitatis adhibebat: ad hunc ordinem res optimas deferebat: summa cum dignitate et constantia ad ea, quae quaesita erant, respondebat: nihil tum, nisi quòd erat notum omnibus, in C. Caesaris commentariis reperiebatur. Num qui exsules restituti? unum aiebat, praeterea neminem. Num immunitates datae? nullae, respondebat. Assentiri etiam nos Ser. Sulpicio, clarissimo viro, voluit, nequa tabula, post idus Martias, ullius decreti Caesaris aut beneficii, figeretur. Multa praetereo, eaque praeclera: ad singulare enim M. Antonii factum festinat oratio. (5) Dictaturam, quae vim jam regiae potestatis obsederat, funditus ex republica sustulit, de qua ne sententias quidem diximus: scriptum senatusconsultum, quod fieri vellet, attulit: quo recitato, auctoritatem ejus summo studio securi sumus, eique amplissimis verbis per senatusconsultum gratias egimus.

II. Lux quaedam videbatur oblata, non modò regno, quod pertuleramus, sed etiam regni timore sublato: magnumque pignus ab eo reipublicae datum, se liberam civitatem esse velle, cùm dictatoris nomen, quod saepè justum fuisse, propter perpetuae dictaturaæ recentem memoriam funditus ex republica sustulisset. Liberatus

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and the superior good fortune of Octavius, this great end was defeated, to which perhaps the inactivity of the conspirators at their first setting out did not a little contribute.

(2) *Ex eo die, quo in aedem Telluris convocati sumus.*] Two days having been spent after Caesar's death, in mutual assurances of concord and amity, betwixt the conspirators on the one hand, and Antony on the other; on the third, the senate was convened by the latter in the temple of Tellus, in order to adjust the conditions of their agreement, and confirm them there by some solemn act. This temple seems to have been particularly chosen for that purpose, on account of its being nigh the Capitol, whither

Brutus and his party had fled for refuge. (3) *Atheniensiumque renovavi vetus exemplum.*] The Athenians, after the expulsion of the thirty tyrants, set over them by the Lacedaemonians, enacted a law containing a general act of oblivion for all that was past.

(4) *Graecum etiam verbum usurpavi.*] viz. *ἀπνοσίας*, i. e. an amnesty, or act of oblivion.

(5) *Dictaturam, quae vim, &c.*] The conspirators having been obliged to leave Rome, on account of the violence of the mob, who were spirited up by the abettors of Caesar's tyranny, Antony, as a mark of his disposition to peace, and to ingratiate himself with the senate, drew up a decree, to abolish for ever the office

post, or call off my eyes from the concerns of my country, from the day on which we met in the temple of Tellus; where, as far as was in my power, I laid the foundations of peace, and revived an ancient usage of the Athenians. I likewise borrowed a Greek expression, which that state formerly made use of in quieting the commotions of their city; and delivered it as my opinion, that all remembrance of civil discord should be buried in eternal oblivion. Admirable on that occasion was the language of Mark Antony; admirable too was his disposition towards the state; in a word, a reconciliation was confirmed by him and his children with the best of our citizens. And to this beginning the rest of his conduct was then agreeable. He summoned the principal persons of the state, to assist at the consultations, which he held in his own house, concerning public affairs; laid every matter of importance before this assembly; answered the questions that were put to him, with the greatest dignity and firmness; and nothing was then found in Caesar's register, but what every body knew of. Have any exiles been restored? the answer was, only one. Have any immunities been granted? he answered, none. He even wanted us to agree to what was proposed by the illustrious Ser. Sulpicius, that no bills containing either a decree or a grant of Caius Caesar, should be posted up after the ides of March. I omit many other particulars, and those illustrious ones, and hasten to mention an extraordinary action of Mark Antony's. He utterly abolished the dictatorship, which, for some time, had assumed regal authority: upon which point we did not so much as declare our sentiments. He brought an ordinance of the senate, ready drawn up in the manner in which he wanted it should pass: upon hearing it read, we complied with the utmost readiness; and, by another act, returned him thanks in the most honourable terms.

SECT. II. A new light now seemed to break out upon us, being delivered not only from royalty, to which we had actually been subject, but from all apprehensions of its ever being restored: and great was the proof he gave of his being inclined that the state should enjoy its liberty, since he utterly abolished the office of dictator, which had often been legal, on account of the recent memory of its being made perpetual. The senate a few days after seemed to be freed from all apprehensions of bloodshed; the fugitive who

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and name of dictator. The senate passed it, as it were by acclamation, without putting it even to the vote; and decreed the thanks of the house for it to Antony; who, as Cicero afterwards told him,

" had fixed an indelible infamy by it on Caesar, in declaring to the world, that, for the odium of his government, such a decree was become both necessary and popular."

caedis periculo paucis post diebus senatus videbatur; (6) uncus impactus est fugitivo illi, qui in C. Marii nomen invaserat; atque haec omnia communiter cum collega. Alia porrò propria Dolabellae: quae, nisi collega abfuisset, credo eis fuisse futura communia. Nam cùm serperet in urbe infinitum malum, idque manaret in dies latius; iidemque bustum in foro facerent, (7) qui illam insepultam sepulturam efficerant; et quotidiè magis magisque perditi homines, cum sui similibus servis, tectis ac templis urbis minarentur: (8) talis animadversio fuit Dolabellae, cùm in audaces sceleratosque servos, tum in impuros et nefarios liberos; talisque eversio illius exsecratae columnae, ut mirum mihi videatur, tam valde reliquum tempus ab uno illo die dissensisse. Ecce enim kalend. Junii, quibus ut adessemus edixerat, mutata omnia: nihil per senatum, multa et magna per seipsum, et absente populo et invito. Consules designati se audere negabant in senatum venire: patriae liberatores urbe carebant eā, cujus à cervicibus jugum servile dejeicerant: quos tamen ipsi consules et in concionibus et in omni sermone laudabant. (9) Veterani, qui appellantur, quibus hic ordo diligentissimè caverat, non ad conservationem earum rerum, quas habebant, sed ad spem novarum praedarum incitabantur. Quae cùm audire mallem, quam videre, (10) haberemque jus legationis liberum, eā mente discessi, ut adessem kalend. Januariis, quod initium senatū cogendi fore videbatur.

III. Exposui, P. C. profectionis consilium; nunc reversionis, quae plus admirationis habet, breviter exponam. Cùm Brundu-

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(6) *Uncus impactus est fugitivo illi, qui in C. Marii nomen invaserat.*] This Marius, by some called Chamaces, by others Heraphilus, and by Appian, Amatius, had signalled himself as the chief incendiary at Caesar's funeral, and the subsequent riots; and thus having served Antony's ends, in driving Brutus and his party out of the city, was afterwards seized and strangled by his order, his carcase dragged by a hook to the *Scalae Gemonianae*, and hurled into the Tiber.

(7) *Qui illam insepultam sepulturam effecerant.*] Cicero calls it *insepultam sepulturam*, because all the funeral rites were not regularly performed.

(8) *Talis animadversio fuit Dolabellae.*] The mob, headed by the impostor Marius above mentioned, and artfully spiritued up by Antony's agents, idolized the memory of Caesar. For this purpose they reared a pillar twenty feet high in the forum, and inscribed it *PARENTI PATRIAE*; they performed sacrifices upon

it, made vows before it, and decided certain law-suits by one of the parties swearing by the name of Caesar. Dolabella, who was then Antony's colleague in the consulate, rased the pillar to the ground; the slaves who had been instrumental in rearing and worshipping it, he crucified, and the citizens he threw from the Tarpeian rock.

(9) *Veterani, qui appellantur.*] When Antony had put his affairs into the best train that he could, and appointed the first of June for a meeting of the senate, he made a progress through Italy, in order to gather up Caesar's *old soldiers* from the several colonies and quarters in which they were settled. By large bribes, and larger promises, he attached them to his interests, and drew great bodies of them towards Rome, to be ready for any purpose that his affairs should require.

(10) *Haberemque jus legationis liberum.*] The *legatio libera* was an honorary legation or embassy, granted arbitrarily

pretended to be related to Caius Marius, was dragged through the streets to execution ; and all this was done in common with his colleague. Other things there were, that belonged to Dolabella only ; but had Antony been present, I make no doubt but they would have been common to both. For when a boundless contagion had crept into the city, and daily extended its influence wider ; and those very men were erecting a monument in the forum, who had performed those unfinished obsequies ; and a set of desperate villains, in conjunction with slaves of the same dispositions, threatened the temples and buildings of the city every day more and more ; such was the vengeance Dolabella took both of the audacious and profligate slaves, and the impious and abandoned citizens ; and such the spirit he shewed when he ordered the execrable pillar to be demolished, that to me it is surprising his subsequent conduct should differ so widely from his behaviour on that glorious day. For, behold, by the first of June, the day on which he had summoned us to meet, every thing was changed : no one thing was done by the senate ; but many, and of great consequence too, by himself, both in the absence, and against the inclinations of the people. The consuls elect declared they durst not venture into the senate ; the deliverers of their country, whom yet the consuls themselves extolled in all their assemblies, and in their common conversation, were banished that city, from whose neck they had torn the yoke of slavery. The veterans, as they are called, whom this body had so carefully provided for, were spirited up, not to preserve their present possessions, but to hope for future plunder. As I chose rather to hear of, than to see these things, and had obtained the privilege of an honorary embassy, I departed with a resolution of returning to Rome on the kalends of January, which in all probability was to be the first day of the senate's meeting.

SECT. III. Thus, conscript fathers, have I laid before you the reasons of my departure: I shall now briefly acquaint you with the motive of my return, which has in it somewhat more surprising.

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by the senate to any of its members, when they travelled abroad on their private affairs, in order to give them a public character, and a right to be treated as ambassadors or magistrates ; which, by the insolence of these great guests, was a grievous burden upon all the states and cities through which they passed. Cicero, in his consulship, designed to abolish it ; but being driven from that by one of the tribunes, he was content to restrain the continuance of it, which before was unlimited, to the term of one year.

When he had resolved to prosecute his voyage to Greece upon the present occasion, he wrote to Dolabella to procure him the grant of an honorary legation ; and lest Antony should think himself slighted, he wrote to him too on the same subject. Dolabella immediately named him for one of his own lieutenants, which answered his purpose still better ; for, without obliging him to any service, or limiting him to any time, it left him at full liberty to go wherever he pleased.

sium, iterque illud, quod tritum in Graeciam est, (11) non sine causa vitavissem, kalend. Sextilibus veni Syracusas, quod ab urbe ea transmissio in Graeciam laudabatur: quae tamen urbs mihi conjunctissima, plus unâ me nocte cupiens retinere, non potuit; veritus sum, ne meus repentinus ad meos necessarios adventus suspicionis aliquid afferret, si essem commoratus. Cùm autem me ex Sicilia ad Leucopetram, quod est promontorium agri Rhegini, venti detulissent, ab eo loco concendi, ut transmitterem: nec ita multum provectus, rejectus austro sum in eum ipsum locum, unde concenderam; cumque intempesta nox esset, mansisseque in villa P. Valerii, comitis et familiaris mei, postridieque apud eundem, ventum exspectans, manerem, municipes Rhegini complures ad me venerunt, ex his quidam Româ recentes; à quibus primum accipio M. Antonii concessionem, quae ita mihi placuit, ut eâ lectâ de reverione primum cooperim cogitare: nec ita multò pôst (12) edictum Brutii adfertur et Cassii: quod quidem mihi, fortassè quod eos etiam plus reipublicae quam familiaritatis gratia diligo, plenum aequitatis videbatur. Addebat praeterea (fit enim plerumque ut ii, qui boni quid volunt adferre, affingant aliquid, quod faciant id, quod nuntiant, laetiùs), rem conventuram; kalend. Sextilibus senatum frequentem fore; Antonium, repudiatis malis suasoribus, remissis Galliis provinciis, ad auctoritatem senatus esse redditum.

IV. Tum verò tantâ sum cupiditate incensus ad redditum, ut mihi nulli neque remi neque venti satisfacerent: non quò me ad tempus occursurum putarem, sed ne tardiùs, quam cuperem, reipublicae gratularer. Atque ego celeriter Veliam devectus Brutum vidi, quanto meo dolore, non dico; turpe mihi ipsi videbatur, in eam urbem me audere reverti, ex qua Brutus cederet; et ibi velle tutò esse, ubi ille non posset. Neque verò illum similiter atque ipse eram, commotum esse vidi; erectus enim maximi ac pulcherrimi facti sui conscientiâ, nihil de suo casu, multa de nostro querebatur; ex quo primum cognovi, (13) quae kalend. Sextilibus in senatu fuisse L. Pisonis oratio: qui quanquam parùm erat (id enim ipsum à Bruto audièram) à quibus debuerat, adjutus; tamen et Brutii testimonio (quo quid potest esse gravius?) et omnium praedicatione, quos postea vidi, magnam mihi videbatur gloriam consecutus. Hunc igitur ut

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(11) *Non sine causa vitavissem.*] It appears from Cicero's letters to Atticus, that Antony had some legions at Brundusium: and it is here insinuated, that, having heard of his intention to travel into Greece, they had formed a design of waylaying him.

(12) *Edictum Brutii adfertur et Cassii.*] This relates to an edict drawn up by Brutus and Cassius, in answer to one

published before by Antony, charging them with acting in opposition to the public welfare.

(13) *Quae kalendis Sextilibus in senatu fuisse L. Pisonis oratio.*] L. Piso was father-in-law to Caesar, and had signalized himself by a vigorous speech in the senate, on the first of August, in favour of the public liberty.

When I had, not without reason, avoided going to Brundusium, and left the high road to Greece, I landed at Syracuse about the first of August, because I was told the passage from thence into Greece was the best ; and though I have the greatest regard for that city, I could not be prevailed upon to stay any longer in it than one night. I was afraid lest so sudden a visit to my friends, if I made any stay with them, should give some handle for suspicion. But when I was driven by contrary winds from Sicily to Leucopetra, a promontory in the territory of Rhegium, I set sail from thence, with a design of passing over. I had not proceeded far, however, when I was driven back by a southerly wind to the same port. As it was late at night, and I had lodged at the house of P. Valerius, my companion and friend, with whom I spent the next day too, waiting for a wind, a great many of the corporation of Rhegium, and some of them lately come from Rome, came to see me. These first gave me a copy of Antony's speech, which so delighted me, that I began to entertain thoughts of returning. Not long after, the edict of Brutus and Cassius was brought me, which I thought a very equitable one, perhaps because I love them more on a public than a private account. They told me besides (for it generally happens that those who are desirous of bringing any good news, add something of their own to render it more agreeable), that matters would be made up ; that there would be a full senate on the first of August ; that Antony, having dismissed his wicked counsellors, and given up his claim to the provinces of Gaul, would return to his allegiance to the senate.

SECT. IV. So ardent upon this was my desire of returning, that neither winds nor oars could satisfy my impatience ; not that I thought I could be here in time, but that I might not be later than I wished in congratulating my country. In a short time I reached Velia, where I saw Brutus ; with how much concern, I shall not say. I thought it a dishonour for me to dare to return to that city which Brutus had been obliged to quit, and to be desirous of remaining in safety in a place where he could not. But he was not affected in the manner that I was ; for, supported by the consciousness of so great and glorious a deed, he complained loudly of our misfortunes, but said nothing of his own. From him I first learned what kind of a speech was delivered in the senate, on the first of August, by L. Piso ; who, though he was but poorly seconded by those whose duty it was (for this too I heard from Brutus), yet both by the testimony of Brutus (and what can be of greater weight ?) and the report of all those I saw afterwards, he appeared to me to have acquired great glory. I made haste, therefore, to second him, who was not seconded by those

sequerer, properavi, quem praesentes non sunt secuti: non ut proficerem aliquid (neque enim sperabam id, neque praestare poteram), sed ut, si quid mihi humanitùs accidisset (14) (multa autem impendere videbantur praeter naturam, praeterque fatum), hujus tamen diei vocem hanc testem reipublicae relinquere meae perpetuae erga se voluntatis. Quoniam utriusque consilii causam, patres conscripti, probatam vobis esse confido, priùs quam de republica dicere incipio, pauca querar de hesterna M. Antonii injuria, cui sum amicus: idque me nonnullo ejus officio debere esse, p[ro]ae me semper tuli.

V. Quid tandem erat causae, cur in senatum hesterno die tam acerbè cogerer? solus-ne aberam? an non saepe minùs frequentes fuistis? an ea res agebatur, ut etiam aegrotos deferri oportet? Hannibal, credo, erat ad portas, aut de Pyrrhi pace agebatur: (15) ad quam causam etiam Appium illum, et caecum et senem, delatum esse memoriae proditum est. De supplicationibus referebatur: quo in genere senatores deesse non solent; coguntur enim non pignoribus, sed eorum, quorum de honore agitur, gratiā; quod idem fit, cùm de triumpho refertur: ita sine cura consules sunt, ut penè liberum sit senatori non adesse; qui cùm mihi mos notus esset, cùmque de via languerem, et mihi met disciplinari, misi pro amicitia, qui hoc ei diceret. At ille, vobis auditentibus, cum fabris se domum meam venturum esse dixit: nimis iracundè hoc quidem, et valde intemperanter; cuius enim maleficii tanta ista poena est, ut dicere in hoc ordine auderet, se publicis operis disturbaturum publicè ex senatū sententia aedificatam domum? quis autem unquam tanto damno senatorem coëgit? (16) aut quid est ultra pignus, aut mulctam? qui si scisset, quam sententiam dicturus essem, remisisset aliquid profectò de severitate cogendi.

NOTES.

(14) *Multa autem impendere videbantur praeter naturam, praeterque fatum.*] As the commentary of Abramius may throw some light upon these words, we shall here transcribe it: "Illa mors," says he, "est secundum naturam, et secundum fata, quae ex principiis naturae intrinsecis, et ex pugna quatuor primarum qualitatum, una praevalente contingit. Illa praeter naturam quidem, sed tamen secundum fata, quae ab externa causarum serie infertur; ut si quis incendio, vel naufragio, vel alio casu pereat. Illa praeter naturam, praeterque fatum, quae nec a principiis naturae intrinsecis, nec a causis externis agendi necessitate constrictis, sed ab hominis libertate dependit; ut cùm quis mortem sibi consciscit, vel alterius scelere occiditur."

(15) *Ad quam causam etiam Appium*

illum, et eaecum et senem, &c.] When Pyrrhus sent Cyneas to Rome to negotiate a peace with the senate, several of the senators discovered a strong inclination to enter into a treaty. A rumour of this disposition being spread through the city, came to the ears of Appius Claudius, the famous orator and civilian, who had for some time, on account of his great age and the loss of his sight, retired from all public business, and confined himself wholly to his family. Upon hearing the report of what passed in the senate, he caused himself to be carried in the arms of his domestics to the door of the senate-house, where his sons and his sons-in-law met him, and led him into the assembly, which was hushed into a profound silence the moment he appeared. The firm and honest speech which the venerable old man made upon the oc-

that were present; not that I could be of any service (for that I neither expected, nor was it in my power), but that if I should happen to share in the common lot of humanity (and many things indeed out of the ordinary course of nature and fate seemed to threaten), I might at least bequeath to my country the speech I made on this occasion, as a lasting monument of my affection. As I now flatter myself, conscript fathers, that my conduct in both respects has met with your approbation, before I enter on what concerns the state, I shall beg leave to complain briefly of the injury done me yesterday by M. Antony, whose friend I profess myself to be; and that I ought to be so, on account of some obligations he has laid me under, I have always been ready to acknowledge.

SECT. V. What then was the reason why I was pressed yesterday in so harsh a manner to assist in the senate? was I the only person absent? have you not frequently had a thinner house? was the business under consideration of such importance that there was a necessity even of carrying the sick thither? Hannibal, I suppose, was at our gates, or the debate was about a peace with Pyrrhus; on which occasion, we are told, the great Appius was carried to the senate, old and blind as he was. The question was about supplications, in which kind of debates the senators are generally present, not with a view to save their forfeitures, but out of regard to those whose honours are under debate; which is likewise the case when the question is concerning a triumph. So unconcerned on such an occasion are the consuls, that a senator is almost at liberty to be absent. As I was no stranger to this form, fatigued with my journey, and uneasy in my own thoughts, I sent, as a friend, to acquaint him with it. But he, in your hearing, declared that he would come himself to my house with workmen. Too passionately, indeed, and intemperately spoken! for what crime could deserve such a punishment as could justify his declaring in this assembly, that he would come with the workmen of the public, to pull down a house built by a decree of the senate at the public charge? Who ever laid a senator under such compulsion? or what penalty is there in such a case beyond a forfeit or a fine? Had he but known what I had to say, he would certainly have remitted somewhat of his severity.

NOTES.

casion, so awakened the Roman spirit in the senators, that, without farther debate, they unanimously passed a decree instantly to dismiss the ambassador with this answer: *that the Romans would enter into no treaty with king Pyrrhus, so long as he continued in Italy; but with all their strength would pursue the war against him, though he should vanquish a thousand Lavinii's.*

(16) *Aut quid est ultra pignus, aut mul-*

tam?] In the later times of the republic, the usual way of calling the senators was by an edict appointing the time and place, and published several days before, that the notice might be more public. If any senator refused or neglected to obey the summons, the consul could oblige him to give surety for the payment of a certain fine, if the reasons of his absence should not be allowed.

VI. An me censem, P. C. quòd vos inviti secuti estis, decretum fuisse, (17) ut parentalia cum supplicationibus miscerentur? ut inexpiables religiones in rempublicam inducerentur? ut decernerentur supplications mortuo? nihil dico, cui: fuerit ille L. Brutus, qui et ipse regio dominatu rempublicam liberavit, (18) et ad similem virtutem, et simile factum, stirpem jam prope in quingentesimum annum propagavit; adduci tamen non possem, ut quenquam mortuum conjungerem cum deorum immortalium religione; ut, cuius sepulcrum nusquam extet, ubi parentetur, ei publicè supplicetur. Ego verò eam sententiam dixisse, patres conscripti, ut me adversus populum Romanum, si quis accidisset gravior reipublicae casus, si bellum, si morbus, si fames, facile possem defendere; quae partim jam sunt, partim timeo ne impendant. Sed hoc ignoscant dii immortales, velim, et populo Romano, qui id non probat, et huic ordini, qui decrevit invitus. Quid, de reliquis reipublicae malis licet-ne dicere? mihi verò licet, et semper licebit, dignitatem tueri, mortem contemnere: potestas modò veniendi in hunc locum sit, dicendi periculum non recuso. Atque utinam, P. C. kalendis Sextilibus adesse potuissem! non quo profici potuerit aliquid, sed ne unus modò consularis, quod tum accidit, dignus illo honore, dignus republicā inveniretur. Qua quidem ex re magnum accipio dolorem, homines amplissimis populi Romani beneficiis usos, L. Pisonem, ducem optimae sententiae non secutos. Idecirco-ne nos populus Romanus consules fecit, ut in altissimo amplissimoque gradu dignitatis locati, rempublicam pro nihilo haberemus? non modò voce nemo L. Pisoni consularis, sed ne vultu quidem assensus est. Quaenam (malum!) est ista voluntaria servitus? fuerit quaedam necessaria; nec ego hoc ab omnibus iis desiderio, qui sententiam loco consulari dicunt: alia causa est eorum, quorum silentio ignosco; alia eorum, quorum vocem requiro: quos quidem doleo in suspicionem populo Romano venire, non modò metū, quod ipsum esset turpe, sed alium alia de causa deesse dignitati suae.

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(17) *Ut parentalia cum supplicationibus miscerentur.*] The *parentalia* were only feasts held, and sacrifices offered in memory of the dead. They were called *parentalia*, because performed on account of parents and relations.

(18) *Et ad similem virtutem, et simile factum, stirpem, &c.*] This account of M. Brutus's descent from L. Brutus, who expelled Tarquin, and gave freedom to Rome, is called in question by some of

the ancient writers; and particularly by Dionysius of Halicarnassus, who alleges several arguments against it, which seem to be very plausible. While Brutus lived, however, it was universally allowed to him: Cicero mentions it frequently as a fact that nobody doubted; and often speaks of the image of old Brutus, which Marcus kept in his house among those of his ancestors: and Atticus, who was peculiarly curious in the antiquities of

SECT. VI. Do you imagine, conscript fathers, that though you were obliged to comply, I would have given my voice for mixing parental obsequies with public thanksgivings? for introducing inexpiable rites into the state? for decreeing supplications to a dead person, I will not say who? Had it been L. Brutus, who, with his own hand, delivered Rome from regal tyranny, and, at the distance of almost five hundred years, hath propagated a race, virtuous like himself, to do their country the like glorious service, I should never have been prevailed upon to blend the honours of the gods with that of a dead man; to consent that he, who has no where a monument for the parental obsequies, should have public supplications paid him. These, conscript fathers, were the sentiments I should have delivered, that I might have easily justified myself to the people of Rome, in case of any heavy calamity, through war, through pestilence or famine; part of which has already fallen upon us, and more, I am afraid, threatens us. But I hope the immortal gods will pardon the people of Rome who do not approve it; and the senate, who decreed it contrary to their inclinations. What! must we not speak of the other grievances of the state? I may, and ever will assert my dignity, and despise death. Let me but have the liberty of coming into this assembly, and I shall never decline the danger of speaking freely. And, O conscript fathers, that I could have been present on the first of August! not that my presence could have been of any service, but that there might not have been, as was then the case, only one consular person, who was worthy of that honour, and worthy of the state. This, indeed, is matter of great concern to me, that the men who have enjoyed the highest honours of the state, did not second L. Piso, who made so excellent a proposal. Was it for this the people of Rome raised us to consular dignity, that, when placed in the highest and most honourable station, we should set at nought the commonwealth? Not a consular expressed, nor even looked assent to what Piso proposed. A curse on this voluntary servitude! it is too much that we are subject to a necessary one. I do not expect that all those who are of consular rank, should deliver their sentiments. The case of those whose silence I pardon, is different from theirs whose voices I demand. I am indeed sorry to see them suspected by the Roman people, not of fear only, though that would be scandalous, but of being severally wanting to their dignity, for several causes.

NOTES.

the Roman families, drew up Brutus's genealogy for him, deducing his succession from that old hero, in a direct line

through all the intermediate ages from father to son.—*Corn. Nep. vit. Att.*

VII. Quare primùm maximas gratias et habeo et ago L. Pisoni, qui non, quid efficere posset in republica, cogitavit, sed quid ipse facere deberet: deinde à vobis, P. C. peto, ut, etiamsi sequi minùs audebitis orationem atque auctoritatem meam, benignè me tamen, ut fecistis adhuc, audiatis. Primùm igitur acta Caesaris servanda censeo: non quò probem; quis enim id quidem potest? sed quia rationem habendam maximè arbitror pacis atque otii. (19) Velle adesset Antonius, modò sine advocatis: sed, ut opinor, licet ei minùs valere; quod mihi heri per illum non licebat. Doceret me, vel potiùs vos, P. C. quemadmodum ipse Caesaris acta defenderet. An in commentariolis et chirographis, et libellis se uno auctore prolati, ac ne prolatis quidem, sed tantummodo dictis, acta Caesaris firma erunt? quae ille in aes incidit, in quo populi jussa, perpetuasque leges esse voluit, pro nihilo habebuntur? Evidem sic existimo, nihil tam esse in actis Caesaris, quām leges Caesaris; an, si cui quid ille promisit, id erit fixum? quod idem facere non potuit, ut multis multa promissa non fecerit; quae tamen multo plura illo mortuo reperta sunt, quām vivo beneficia per omnes annos tributa, et data; sed ea non muto, non moveo: summo etiam studio praeclara illius acta defendo: (20) pecunia utinam ad Opis maneret; cruenta illa quidem, sed his temporibus, cùm iis, quorum est, non redditur, necessaria; quanquam ea quoque sit effusa, si ita in actis fuit. Ecquid est, quod tam propriè dici possit actum ejus, qui togatus in repub. cum potestate imperioque versatus sit, quām lex? quaere acta Gracchi, leges Semproniae proferentur: quaere Sullae, Corneliae: quid? Cn. Pompeii tertius consulatus in quibus actis constituit? nempe in legibus: à Caesare ipso si quaereret, quidnam eisset in urbe et in toga; leges multas responderet se et praeclaras tulisse; chirographa verò aut mutaret, aut non daret: aut si dedisset, non istas res in actis suis duceret. Sed ea ipsa concedo: quibusdam in rebus etiam conniveo: in maximis verò rebus, id est, legibus, acta Caesaris dissolvi, ferendum non puto.

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(19) *Velle adesset Antonius, modò sine advocatis.*] Cicero here means those veteran soldiers whom Antony generally carried with him to the senate house in order to intimidate the senators, and awe them into a compliance with his measures.

(20) *Pecunia utinam ad Opis maneret.*] Among other instances of Antony's violence he seized the public treasure, which

Caesar had deposited for the occasions of the government in the temple of Ops, amounting to above five millions and a half of our money. With this he paid off his debts, which, at the time of Caesar's death, amounted to above three hundred thousand pounds; purchased soldiers; and gained over to his measures his colleague Dolabella, who had long been oppressed with the load of his debts.

SECT. VII. In the first place, then, I return my sincerest acknowledgments to L. Piso, who considered not what was in his power, but what was his duty to do for the state: in the next place, I beg of you, conscript fathers, that though you should not have the courage to support my speech and my authority, you would at least, as you have hitherto done, give me a favourable hearing. First, then, I give it as my opinion, that Caesar's acts should be confirmed; not that I approve them, for who indeed can? but because I think we ought to pay the greatest regard to peace and tranquillity. I wish Antony were present, but without his counsel. He, I presume, has a privilege to be indisposed, though yesterday I could have no such indulgence. He would shew me, or rather you, conscript fathers, in what manner he defends Caesar's acts. Shall the acts of Caesar, contained in his notes, his minutes and memorandums, produced by this man only, nay, not even produced, but said to be extant, remain in force? and shall what he engraved on brass, by which he admitted the commands of the people, and declared their laws perpetual, be of no account? I am indeed of opinion, that nothing is so much the act of Caesar, as the laws of Caesar. If he has made any promises to one, must those promises remain in force, when he himself could not have performed them? as he actually made many promises to several which he never performed; but which are found out in much greater numbers since his death, than he ever bestowed bounties in his life. Yet these I am neither for changing, nor altering; nay, his noble acts I defend with the greatest zeal. I wish the money were still in the temple of Ops. It was indeed stained with blood; but since it is not restored to those to whom it belongs, it might be serviceable to us on this occasion. Yet let that too be dissipated, if Caesar's acts will have it so. Is there any thing that can with so much propriety be called the act of a man, who in peaceable robes was invested with power and authority in the state, as a law which he passed? ask for the acts of Gracchus, and the Sempronian laws will be produced; ask for Sylla's, the Cornelian. Besides, in what acts consisted Pompey's third consulate? In his laws, most certainly. Had you asked Caesar himself what he had done in the city and senate, he would have replied that he had passed many and excellent laws. But as to his notes, he would either have altered them, or not given them; or if he had given them, he would not have reckoned them among his acts. Yet even these things I give up, some others I connive at: but, in the most important points, that is, in his laws, I am of opinion that we ought not to suffer Caesar's acts to be annulled.

VIII. Quae lex melior, utilior, optimâ etiam republ. saepius flagitata, quâm ne praetoriae provinciae plus quâm annum, neve plus quâm biennium consulares obtinerentur? Hâc lege sublatâ, videnturne vobis acta Caesaris servari? (21) quid? eâ lege, quae promulgata est de tertia decuria judicium, nonne omnes judiciae leges Caesaris dissolvuntur? Et vos acta Caesaris defenditis, qui leges ejus evertitis? nisi forte, si quid memoriae causâ retulit in libellum, id numerabitur in actis, et quamvis iniquum et inutile sit, defendetur: quod ad populum centuriatis comitiis tulit, id in actis Caesaris non habebitur. At quae est ista tertia decuria? Centurionum, inquit. Quid? isti ordini, judicatus lege Juliâ, etiam antè Pompeiâ, Aureliâ non patebat? Census praefiniebatur, inquit, non centurioni quidem solùm, sed equiti etiam Romano. Itaque viri fortissimi atque honestissimi, qui ordines duxerunt, res et judicant et judicaverunt. Non quaero, inquit, istos: quicunque ordinem duxit, judicet. At si ferretis, quicunque equo meruisset, quod est laudatus, nemini probaretis. In judice enim spectari et fortuna debet, et dignitas. Non quaero, inquit, ista: addo etiam judices manipulares, (22) ex legione Alaudarum; aliter enim nostri negant posse se salvos esse. O contumeliosum honorem iis quos ad judicandum nec opinantes vocatis! hic enim est legis index, ut ii in tertia decuria judicent, qui liberè judicare non audeant: in quo quantus est error, dili immortales, eorum, qui istam legem excogitaverunt! ut enim quisque sordidissimus videbitur, ita libertissimè severitate judicandi sordes suas eluet: laborabitque, ut honestis decuriis potius dignus videatur, quâm in turpem jure conjectus.

IX. Altera promulgata lex est, ut et de vi, et de majestate damnati, ad populum provocent, si velint: haec utrûm tandem lex est, an legum omnium dissolutio? quis enim est hodie, cuius intersit istam legem manere? nemo reus est legibus illis, nemo quem futurum putemus; armis enim gesta nunquam profectò in judicium vocabuntur. At res popularis; utinam quidem vellet is aliquid esse

NOTES.

(21) *Quil? eâ lege, quae promulgata est, &c.c.]* Caesar had passed a law confining the judicial power to the senators and knights, and excluding the *Tribuni Aerarii*, who before had acted as judges. Antony was now desirous of adding a third order to the two former, to be chosen out of the centurions.

(22) *Ex legione Alaudarum.]* This legion of the *Alaudae* was first raised by Caesar, and composed of the natives of Gaul, armed and disciplined after the

Roman manner, to which he gave the freedom of Rome. He called it by a Gallic name *Alaudae*, which signifieth a kind of lark, or little bird, with a tuft or crest rising upon its head; in imitation of which, this legion wore a crest of feathers on the helmet; from which origin the word was adopted into the Latin tongue. Antony, out of compliment to these troops, and to assure himself of their fidelity, made a judiciary law, by which he erected a third class of judges,

SECT. VIII. Was ever a law of greater importance and utility, or more frequently demanded in the best times of the state, than that the praetorian provinces should not be held longer than a year, nor the consular longer than two? If this law be abolished, can you imagine that Caesar's acts remain in force? What! are not all Caesar's judicial laws rendered void, by that which has been promulgled in relation to a third decury of judges? And do you defend Caesar's acts, who thus abolish his laws? unless whatever he set down by way of memorandum in his pocket-book, is to be deemed his act, and, how unjust or useless soever, to be defended; whilst that which he enacted in the fullest assemblies of the people, is not to be accounted an act of his. But of whom is this third decury composed? of centurions, says he. How? by the Julian law; and before that, by the Pompeian and Aurelian, that order was excluded from all judicial authority. A certain estate, says he, was proscribed. Yes; and that not only to a centurion, but to a Roman knight. Accordingly the bravest and worthiest men that are at the head of corps still act, and have long acted in a judicial capacity. I mean not these, says he, but let every man that has headed a corps, have a power to judge. But if you were to enact, that whoever had served on horseback, which is the more honourable service, might sit as judge, you would not gain the approbation of a single person: for in a judge, both his rank and fortune are to be regarded. These, says he, I don't mind; I am even for creating additional judges out of the subalterns of the Gallic legion; for otherwise, our party say, they cannot be safe. Reproachful honour to those, whom you thus unexpectedly raise to the seat of justice; for this is the title of the law, that those should act as judges in the third decury who are not at liberty to judge freely. Immortal gods! what an error was this in those who contrived that law; for in proportion as each shall appear a contemptible tool, the more solicitous will he be to wipe off his infamy by judging with severity, that he may seem to be worthy of being a member in the honourable, rather than to be thrust deservedly into the disgraceful decuries.

SECT. IX. There is another law promulgled, by which those who are convicted of violence and treason, may appeal, if they please, to the people. Whether now is this a law, or an abrogation of all laws? For what man living is there, whose interest it is that this law should pass? No one is prosecuted upon these laws, nor any one likely to be; for men surely will never be brought to a trial for what they have done in arms. But the thing

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to be drawn from the officers of this legion, and added to the other two of the senators and knights; for which Cicero

often reproaches him, as being a most infamous prostitution of the dignity of the republic.

populare; omnes enim jam cives de reipub. salute, unâ et mente et voce consentiunt. Quae est igitur ista cupiditas ejus legis ferendae, quae turpitudinem summam habeat, gratiam nullam? quid enim turpius, quam qui majestatem populi Romani per vim minuerit, eum damnatum judicio, ad eam ipsam vim reverti, propter quam sit jure damnatus? Sed quid plura de lege disputo? quasi verò id agatur, ut quisquam provocet; id agitur, id fertur, ne quis omnino unquam istis legibus reus fiat. Quis enim aut accusator tam amens reperietur, qui reo condemnato objici se multitudini conductae velit? aut judex, qui reum damnare audeat, ut ipse ad operas mercenarias statim protrahatur? Non igitur provocatio istâ lege datur: sed duae maximè salutares leges quaestionesque tolluntur. Quid est igitur aliud adhortari adolescentes, ut turbulenti, ut seditiosi, ut perniciosi cives ve-llint esse? quam autem ad pestem furor tribunitius impelli non poterit, his duabus quaestionibus, de vi, et de majestate sublatis? Quid, quòd abrogatur legibus Caesaris, quae jubent ei, qui de vi, itemque ei, qui majestatis damnatus sit, aquâ et igni interdi-ci? quibus cùm provocatio datur, nonne acta Caesaris rescinduntur? Quae quidem ego, P. C. qui illa nunquam probavi, ita conservanda concordiae causâ arbitratus sum, et non modò, quas vivus Caesar leges tulisset, infirmandas hoc tempore non putarem, sed ne illas quidem quas post mortem Caesaris prolatas esse et fixas videtis.

X. De exsilio reducti à mortuo: civitas data non solùm singulis, sed etiam nationibus et provinciis universis à mortuo: immunitatibus infinitis sublata vectigalia à mortuo. Ergo haec uno, verùm optimo, auctore domo prolata defendimus: eas leges, quas ipse vobis inspectantibus recitavit, pronunciavit, tulit, quibus latis gloriabatur, iisque legibus rempublicam contineri putabat, de provinciis, de judiciis, eas, inquam, Caesaris leges, nos, qui defendimus acta Caesaris, evertendas putamus? At de iis tamen legibus quae promulgatae sunt, saltem queri possumus: de iis, quae jam latae dicuntur, ne illud quidem licuit; ille enim nullâ promulgatione latae sunt antè quam scriptae. Quaerunt quid sit, cur aut ego, aut quisquam vestrûm, P. C. bonis tribunis plebis,

is popular. I wish indeed he would suffer something to be popular; for all the citizens of Rome concur now in heart and voice, as to the safety of the state. Whence then arises this eagerness for passing a law, which has every thing infamous, and nothing popular? for what can be more scandalous, than that the man who has by force violated the majesty of the people of Rome, and has been lawfully condemned for his offence, should have recourse to that violence, of which he had before been legally convicted? But why need I talk more of this law? as if the debate now were, that any one might appeal. The intention and import of the whole is, that no man shall ever be prosecuted on these laws. For where is there either an accuser so frantic to be found, as to be willing to expose himself to a mercenary mob, after a criminal is convicted? or a judge, who would venture to pass sentence upon the party accused, that he himself might be dragg'd, the next moment, before a parcel of mercenary mechanics? An appeal then is not the thing granted by this law; but two other laws and proceedings highly salutary are reversed. For what else is it, but an encouragement to young fellows to become seditious, turbulent, and pernicious citizens? For to what fatal extremities may not the tribunitian power be pushed, if the two laws relating to violence and treason are abolished? What! shall we render Caesar's laws of none effect, which order that one convicted of violence or treason should be deprived of the benefit of fire and water? And if such an appeal be allowed, are not Caesar's acts abolished? Which acts, even I, conscript fathers, who never approved of them, have always thought should be preserved for the sake of peace; so that I not only disapproved of invalidating at present those laws which Caesar passed in his lifetime, but even those which you have seen exposed and posted up since his death.

SECT. X. By the dead are exiles recalled: by the dead the freedom of Rome is granted, not to private persons only, but even to whole nations and provinces: by the dead, numbers of corporations have their taxes remitted. What has been produced then from his house, upon a single, but an unquestionable evidence, we defend: and shall we, who confirm Caesar's acts, think of abolishing those laws which he himself, in our sight, recited, pronounced, enacted; laws, which he valued himself upon; laws, in which he thought the whole system of our government comprehended; laws, which affect our provinces and our trials? Yet of those laws which are only proposed, we are at least at liberty to complain; as to those which are said to be already passed, we have not even that liberty: for these, without being proposed, were passed before they were drawn up. They ask, why either I, or any of you,

leges malas metuit; paratos habemus qui intercedant; paratos qui rempublicam religione defendant: vacui metu esse debemus. Quas tu mihi, inquit, intercessiones, quas religiones nominas? eas scilicet, quibus reipublicae salus continetur. Negligimus ista, et nimis antiqua, et stulta ducimus. Forum sepietur: omnes claudentur aditus: armati in praesidiis multis locis collocabuntur: quid tum? quod erit ita gestum, id lex erit? et in aes incidi jubebitis? cedo, illa legitima; (25) *consules populum jure rogaverunt* (hoc enim à majoribus accepimus jus rogandi) *populusque jure scivit*: qui *populus*? isne qui *exclusus* est? quo *jure*? an eo, quod vi et armis omne sublatum est? Atque haec dico de futuris: quod est amicorum, antè dicere ea, quae vitari possunt: quae si facta non erunt, refelletur oratio mea. Loquor de legibus promulgatis, de quibus est integrum vobis: demonstro vitia; tollite: denuncio vim, arma; removete.

XI. Irasci vos quidem mihi, Dolabella, pro republica dicenti non oportebit; quanquam te quidem id facturum non arbitror: novi enim facilitatem tuam. Collegam tuum aiunt in hac sua fortuna, quae bona ipsi videtur: mihi, ne gravius quidpiam dicam, (24) avorum et avunculi sui consulatum si imitaretur, fortunatior videretur: sed eum iracundum audio esse factum. Video autem, quām sit odiosum habere iratum eundem et armatum, cùm tanta praesertim gladiorum sit impunitas: sed proponam jus, ut opinor, aequum; quòd M. Antonium non arbitror repudiaturum. Ego, si quid in vitam ejus aut in mores cum contumelia dixero, quo minus mihi inimicissimus sit, non recusabo; sin consuetudinem meam (quam semper in republica habui) tenuero, id est, si liberè, quae sentiam, de republica dixero, primū deprecor, ne irascatur: deinde, si hoc non impetro, peto, ut sic irascatur, ut civi: armis utatur, si ita necesse est, ut dicit, sui defendendi causā: iis qui pro republ. quae ipsis visa erunt, dixerint, ista arma ne noceant. Quid hac postulatione dici potest aequius? Quòd si, ut à quibusdam mihi ejus familiaribus dictum est, omnis eum, quae habetur contra voluntatem ejus, oratio graviter offendit, etiamsi nulla inest contumelia, feremus amici naturam. Sed iidem illi ita mecum: Non idem tibi adversario Caesaris licebit, quod Pisoni socero: et simul admonent quiddam, quod cavebimus:

NOTES.

(23) *Consules populum jure rogaverunt.*] These words appear to have been the preamble to all the bills which the Roman people passed.

(24) *Avorum et avunculi sui consulatum si imitaretur.*] M. Antony, the cele-

bated orator, was his grandfather, who fell a victim to Marius's cruelty; and the uncle here meant, was L. Caesar, who had been consul with C. Figulus: he was a person of great integrity, and well affected to the state.

conscript fathers, should be afraid of bad laws, [while we have virtuous tribunes of the people. We have, say they, those who will interpose, those who by oath are ready to defend the state; therefore we ought to lay aside fear. But what intercessions, what rites, says he, do you tell me of? why, those on which the safety of our constitution depends. These, says he, I despise, and look upon as antiquated and ridiculous. The forum shall be surrounded: all the avenues to it shut up; and armed men placed in several places, as guards. What then? whatever is thus carried on shall be law, and you shall see it engraved on brass. Supposing the following legal form of words to be inserted: *The consuls in form require the consent of the people;* for the right of requiring such consent we received from our ancestors; *and the people in form consented.* What people? they who are excluded. By what right? is it by that which is totally abolished by force and arms? And this I speak, because it may possibly happen: as it is the part of a friend to mention beforehand what may be avoided: if the things do not happen, then my speech will be confuted. I speak of the laws that are proposed, which it is yet in your power to prevent passing. I point out faults, amend them; I speak of force and arms, remove them.

SECT. XI. You must not be angry with me, Dolabella, for speaking in my country's cause; though indeed I do not think you will, for I know your good nature. They tell me, that your colleague, in this his good fortune, as he thinks it, though to me, not to make use of a harsher expression, he would appear more fortunate, were he to imitate the consulate of his uncle and ancestors; but they tell me that he is angry. I am sensible how undesirable a thing it is that a man should at once be incensed and armed, especially as the sword can now act with impunity. But I will propose what appears to me just and reasonable; and this, I imagine, Antony will not reject. If I reflect upon his life or character, let him become my greatest enemy; but if I speak my sentiments freely, in regard to public affairs, as I have always done, I beg, in the first place, that he would not be angry; in the next, if he is, that he would shew such resentment as becomes one citizen to another. Let him use arms, if they are necessary for the defence of his person, as he says they are; but let not these arms injure those who speak what they think necessary for the good of the state. What can be more equitable than this request? but if, as I am informed by some of his acquaintance, every speech that opposes his pleasure, though free from abuse, offends him greatly, we must bear with the humour of a friend. The same person tells me, however, that the same liberty will not be allowed to me, who am the enemy of Caesar, that was allowed to Piso, his father-in-law. They likewise admonish me of

nec erit justior, P. C. in senatum non veniendi morbi causa, quam mortis.

XII. Sed, per deos immortales! te enim intuens, Dolabella, qui es mihi carissimus, (25) non possum de utriusque vestrū errore reticere. Credo enim vos homines nobiles, magna quacdam pectantes, non pecuniam, ut quidam nimis creduli suspicantur, quae semper ab amplissimo quoque clarissimoque contempta est; non opes violentas, et populō Romano minimē ferendam potentiam, sed caritatem civium, et gloriam concupisse. Est autem gloria, laus rectē factorum, magnorumque in rempublicam meritorum, quae cùm optimi cuiusque, tum etiam multitudinis testimonio comprobatur. Dicerem, Dolabella, qui rectē factorum fructus esset, nisi te praeter caeteros paulisper esse expertum viderem. Quem potes recordari in vita tibi illuxisse diem laetiorem, quam cùm, (26) expiato foro, dissipato concursu impiorum, principibus sceleris poenā affectis, urbe incendio et caedis metu liberatā, te domum recepisti? cuius ordinis, cuius generis, cuius denique fortunae studia tum laudi, et gratulationi tuae se non obtulerunt? Quin mihi etiam, quo auctore te in iis rebus uti arbitrantur, et gratias boni viri agebant, et tuo nomine gratulabantur. Recordare, queso, Dolabella, consensum illum theatri, cùm omnes earum rerum oblii, (27) propter quas tibi fuerant offensi, significarunt se beneficio novo memoriam veteris doloris abjecisse. Hanc tu, P. Dolabella, (magno loquor cum dolore), hanc tu, inquam, (28) aequo animo potuisti tantam dignitatem deponere?

XIII. Tu autem, M. Antoni, (absentem enim appello), (29) unum illum diem, quo in aede Telluris senatus fuit, non omnibus

NOTES.

(25) *Non possum de utriusque vestrū errore reticere.*] Our orator's address to Antony and Dolabella is extremely pathetic, and contains some noble and exalted sentiments. The path to true glory is so clearly pointed out, together with the substantial satisfactions arising from the pursuit of it, that one is apt, at first, to wonder how it could fail to produce some good effect. But a little reflection on human life and characters will be sufficient to convince us, that the dictates of reason, and the soundest maxims of philosophy, even when dressed out in the brightest colours of eloquence, make but slight impressions upon a mind under the habitual influence of ambition and vicious prejudices.

(26) *Expiato foro.*] This refers to the demolition of the pillar mentioned above, which was matter of so great joy to the city, that the whole body of the people attended Dolabella to his house, and in the theatres gave him the usual testimony of their thanks, by the loudest acclamations.

(27) *Propter quas tibi fuerant offensi.*] In the year of Rome 706, Dolabella had, by the fiction of an adoption into a plebeian family, obtained the tribunate, and raised great tumults and disorders in Rome, by a law, which he published, to expunge all debts. This was a source of no small affliction to his father-in-law Cicero, who complains heavily of it, in many of his letters to Atticus.

something which I shall guard against; nor shall sickness, conscript fathers, be a better excuse for not attending this house, than death.

SECT. XII. But, by the immortal gods! while I behold you, Dolabella, for whom I have the tenderest regard, I cannot forbear mentioning the errors of you both. For I take you to be men of noble and exalted views, whose aim, as some who are too credulous to suspect, is not money, which the great and illustrious always despise, nor a formidable interest, nor power intolerable to Rome; but the love of your fellow-citizens, and glory. Now, true glory is the praise attending virtuous actions, and eminent services performed for our country, confirmed by the voice of every good man, and by that of the public. I would here, Dolabella, mention the fruits of virtuous actions, did I not know that you have tasted a few of them. Can you recollect that any day of your life has given you greater pleasure than that on which you retired to your own house, after having expiated the forum, scattered the assembly of the wicked, punished the ringleaders of iniquity, and delivered the city from all apprehensions of flames and slaughter? What rank, what condition, what station did not, with the warmest zeal, applaud and congratulate you? Even I, by whose advice these actions were thought to have been performed, received the thanks of the worthy upon that occasion, and was complimented on your success. Call to mind, I beseech you, Dolabella, that applause of the theatre, when all men, forgetting what you had done to offend them, declared that your late services had made them forgive your past conduct. Can you, Dolabella, (with deep concern I speak it); can you, I say, patiently relinquish such distinguished honour?

SECT. XIII. And do not you, Mark Antony, (for I speak to you though absent), prefer that one day when the senate met in the temple of Tellus, to all those months during which some, who

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(28) *Animo aequo potuisti tantam dignitatem deponere?*] Dolabella having been long oppressed with the load of his debts, which he had contracted by a life of pleasure and expence, was drawn entirely from Cicero and the republican party, into Antony's measures, by a large sum of money, and the promise of a share in the plunder of the empire. He left Rome before the expiration of his consulship, to take possession of Syria, which had been allotted to him by Antony's management;

and upon the news of his putting Trebonius to death, was declared a public enemy, and his estate confiscated. He killed himself at last, at Laodicea, to prevent his falling alive into the hands of Cassius, and suffering the same treatment which he had shewn to Trebonius.

(29) *Unum illum diem.*] The third, to wit, after Caesar's death, when Antony summoned the senate, to adjust the conditions of peace, and confirm them by some solemn act.

iis mensibus, quibus te quidam, multum à me dissentientes, beatum putant, anteponis? quae fuit oratio de concordia? quanto metu veterani, quantā sollicitudine civitas tum à te liberata est? Tuum collegam, (30) depositis inimicitiis, oblitus auspiciorum, te ipso augure nunciante, illo primū die collegam tibi esse voluisti: tuus parvulus filius in Capitolium à te missus pacis obses fuit: quo senatus die laetior? quo populus Romanus? qui quidem nulla in concione unquam frequentior fuit: tum denique liberati per viros fortissimos videbantur: quia, ut illi voluerant, libertatem pax consequebatur. Proximo, altero, tertio, reliquis consecutis diebus non intermittebas quasi donum aliquod quotidie adferre reipublicae: maximum autem illud, quod dictatura nomen sustulisti: haec inusta est à te, à te, inquam mortuo Caesari nota ad ignominiam sempiternam. Ut enim (31) propter unius M. Manlii scelus, decreto gentis Manliae, neminem patricium M. Manlium vocari licet: sic tu, propter unius dictatoris odium, nō men dictatoris funditus sustulisti. Num hujusce, cùm pro salute reipublicae tanta gessisses, fortunae te, num amplitudinis, num claritatis, num gloriae poenitebat? Unde igitur subito tanta ista mutatio? non possum adduci, ut suspicer te pecuniā captum: licet, quod cuique libet, loquatur; credere non est necesse; nihil enim unquam in te sordidum, nihil humile cognovi: (32) quanquam solent domestici depravare nonnunquam: sed novi firmitatem tuam; atque utinam ut culpam, sic etiam suspicionem vitare potuisses.

XIV. Illud magis vereor, ne ignorans verum iter gloriae, gloriosum putas, plus te unum posse quām omnes, et metui à civibus tuis, quām diligi malis. Quòd si ita putas, totam ignoras viam gloriae. Carum esse civem, bene de republica mereri, laudari, coli, diligi, gloriosum est; metui verò, ét in odio esse, invidiosum, detestabile, imbecillum, caducum. (33) Quòd videmus etiam in fabula, ipsi illi, qui *oderint dum metuant* dixerit, perniciosum fuisse. Utinam, Antoni, avum tuum meminisses; de quo tamen multa audīsti ex me, eaque saepissimè. Putasne illum immortalitatem mereri voluisse, ut propter armorum habendorum licentiam metueretur? Illa erat vita, illa secunda fortuna, libertate esse parrem caeteris, principem dignitate. Itaque, ut omittam res avi tui prosperas, acerbissimum ejus diem supremum malum, quām

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(30) *Depositis inimicitiis oblitus auspiciorum.*] Antony had been jealous of Dolabella, as a rival in Caesar's favour; and when Caesar promised to resign the consulship to Dolabella, before he went to the Parthian war, Antony protested, that by his authority as augur, he would disturb that election, whenever it should be attempted.

(31) *Propter unius M. Manlii scelus.*] This was the Manlius who had so brave-

ly defended the Capitol when besieged by the Gauls; but being suspected of affecting regal authority, was afterwards thrown off the Tarpeian rock into the Tiber.

(32) *Quanquam solent domestici depravare nonnunquam.*] Cicero here hints at the avarice of Fulvia, Antony's wife.

(33) *Quod videmus etiam in fabula, &c.*] A saying frequently made use of by Accius the poet, in his tragedy of Atreus.

think very differently from me, deem you happy; what a speech you then made about concord? from what apprehensions did you then deliver the veterans, and from what anxiety the city? On that day, laying aside resentment, forgetting the auspices, and acting yourself as augur, you first consented that your colleague should be your colleague. Your little son, delivered by your own hands into the capitol, was the pledge of peace. Was there ever a day of greater joy to the senate? of greater joy to the people of Rome? Was there ever a fuller assembly than that? It was then we seemed delivered by the bravest men, because, as they intended, peace followed our deliverance. The next, the following, the third, and some subsequent days, you never failed to make some present, as it were, to your country: but the greatest of all was your abolishing the dictatorship. This was an indelible infamy fixed by you, by you, I say, on the memory of Caesar: for, as on account of the treason of one person, named Marcus Manlius, by a decree of the Manlian family, no patrician can bear that name; so you, on account of your detestation of one dictator, have utterly abolished the name. When you had done such great things for your country, was you dissatisfied with the fortune, the dignity, the renown, the glory you had acquired? whence then this great and sudden change? I can never suspect that you are influenced by money: let every man speak as he pleases; there is no necessity to believe him: but I never knew you guilty of any thing that was mean or dirty. Domestics, indeed, are wont sometimes to corrupt their masters; but I know your firmness; and I wish you would be as free from suspicion as you are from guilt.

SECT. XIV. I am more afraid of this, lest, mistaking the true path to glory, you should think it glorious to be more powerful yourself than all men besides; and choose rather to be feared than loved by your fellow-citizens. But if these are your sentiments, you wholly mistake the road to glory. To be dear to our countrymen, to deserve well of the state, to be praised, respected, and beloved, is truly glorious; but to be dreaded, and held in abhorrence, is odious, detestable, weak, and transient. We find even in the play, that to the man who said, *Let them hate while they fear*, the maxim proved fatal. I wish, Antony, you would call to mind your grandfather, of whom you have heard me make such frequent mention. Do you think that he would have been desirous of purchasing immortality, at the expence of being the dreaded master of lawless arms? This was his life, his prosperity this, in liberty to be equal, in dignity superior to others. To omit, therefore, the prosperous circumstances of your grandfather's life, I would choose his latter end, violent as it was, rather than Cinna's lawless power, by whom he was most inhu-

L. Cinnae dominatum, à quo ille crudelissimè est interfectus. Sed quid oratione te flectam? si enim exitus C. Caesaris efficere non potest, ut malis carus esse, quàm metui, nihil cujusquam proficiet, nec valebit oratio; quem qui beatum fuisse putant, miserrimi ipsi sunt. Beatus est nemo, qui eâ lege vivit, ut non modò impunè, sed etiam cum summa interfectoris gloria interfici possit. Quare flecte te, quaeso, et majores tuos respice, atque ita gubernā rem publicam, ut natum te esse cives tui gaudeant: sine quo nec beatus, nec clarus quisquam esse potest.

XV. Et (34) populi quidem Romani judicia multa ambo habetis, quibus vos non satis moveri per molestè fero. Quid enim gladiatoribus clamores innumerabilium civium? quid populi cursus? quid Pompeii statuae plausus infiniti? (35) quid duobus tribunis plebis qui vobis adversantur? parum-ne haec significant incredibiliter consentientem populi Romani universi voluntatem? (36) Quid? Apollinaribus ludis plausus, vel testimonia potius, et judicia populi Romani vobis parva esse videbantur? O beatos illos, qui, cùm adesse ipsis propter vim armorum non licebat, adherant tamen, et in medullis populi Romani ac visceribus haerebant! nisi forte Accio tum plaudi, et sexagesimo pòst anno palam dari putabatis, non Bruto; qui suis ludis ita caruit, ut in illo apparatissimo spectaculo studium populus Romanus tribuerit absenti, desiderium liberatoris sui perpetuo plausu et clamore lenierit. Evidem is sum, qui istos plausus, cùm à popularibus civibus tribuerentur, semper contempserim: idemque cùm à summis mediis, infimis, cùm denique ab universis hoc idem fit; cùmque ii, qui antè sequi populi consensum solebant, fugiunt; non plausum illum, sed judicium puto. Sin haec leviora vobis videntur, quae sunt gravissima, num etiam hoc contemnit, quod sensistis (37) tam caram populo Romano vitam A. Hirtii fuisse? satis enim erat, probatum illum esse populo Romano, ut est: jucundum amicis, in quo vincit omnes: carum suis, quibus est ipse carissi-

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(34) *Populi quidem Romani judicia multa ambo habetis.*] The violences committed at Rome after Caesar's death, were not owing to the general indignation of the citizens against the murderers of Caesar; no, the memory of the tyrant was odious, and Brutus and Cassius, were the real favourites of the city, as appeared on all occasions, wherever their free and genuine sense could be declared, particularly from their acclamations at the shows of gladiators exhibited by Brutus, and the repairing of Pompey's statue, which had been thrown down in the civil wars.

(35) *Quid duobus tribunis plebis.*] These

two tribunes were Tiberius Canutius and Nonius Aspernas; the latter of whom opposed Dolabella in his suit for the province of Syria; and the former set up Octavius, in opposition to Antony.

(36) *Quid? Apollinaribus ludis plausus.*] Brutus and Cassius were obliged, as praetors, to exhibit certain games in honour of Apollo, with which the public were annually entertained on the third of July: but as they had withdrawn themselves from Rome, these games were conducted by the brother of Cassius.

(37) *Tam caram populo Romano vitam A. Hirtii fuisse.*] Hirtius was then consul-

manly murdered. But why do I endeavour to move you by words? If Caesar's fate is not a warning to you, how much better it is to be loved than feared, no man's speeches will avail any thing. As for those who imagine that Caesar was happy, they are themselves most miserable. No man can be happy, who holds life on such terms that it may be taken from him, not only with impunity, but with praise. Relent, therefore, I beseech you; look back on your ancestors; and so govern the state, that your fellow-citizens may bless the day that gave you birth; without which no man can be happy or glorious.

SECT. XV. Both of you have had many proofs of the sentiments of the people of Rome, which I am sorry to see you not sufficiently affected with: for what else were the shouts of innumerable citizens, at the shows of gladiators? what the concourse of the people? what the incessant applauses poured out on Pompey's statue, and on the two tribunes who oppose you? Do not these things sufficiently declare the incredible unanimity of the whole Roman people? What? did the shouts, or rather the testimony and judgment of the Romans at the games of Apollo, seem little in your eyes? Happy those who, when they could not be present in person, on account of an armed force, were nevertheless present, and clung to the very marrow and bowels of the Roman people! unless, perhaps, you think that the applause and the palm was conferred on Accius, sixty years after his death, and not on Brutus; who, though not personally present at his own shows, yet in that most magnificent entertainment, received the most affectionate wishes of the Roman people, who mitigated their sorrow for the absence of their deliverer by uninterrupted applauses and acclamations. I indeed am one of those who have ever despised these acclamations, when bestowed by the populace: but when they are bestowed by the highest, the middlemost, and the lowest ranks; in short, by the whole collective body; especially when those who are wont to court the applause of the people, are forced to hide their heads; this I term not applause, but approbation. But if these things seem trivial to you, which are, in fact, of the highest importance, will you likewise despise the proof you had, how dear the life of A. Hirtius was to the people of Rome? It was sufficient to him that he was approved by the Roman people, as he still is agreeable to his friends, in which respect he exceeds all men; dear to his own family, to whom he is so in

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elect; and happening to fall sick, the Roman people put up vows for his recovery, as for a person on whom depended the safety of the state. This was the

Hirtius who was afterwards slain at Modena, and whose death, joined with that of his colleague, is thought to have been of such fatal consequence to Rome.

mus : tantam tamen solicitudinem bonorum, tantum timorem omnium in quo meminimus ? certè in nullo. Quid igitur ? hoc vos, per deos immortales, quale sit, non interpretamini ? quid eos de vestra vita cogitare censem, quibus eorum, quos sperant reipublicae consulturos, vita tam cara sit ? Cepi fructum, P. C. reversionis meae : quoniam ea et dixi, ut, quicunque casus consecutus esset, extaret constantiae meae testimonium : et sum à vobis benignè ac diligenter auditus. Quae potestas si mihi saepius sine meo vestroque periculo fiet, utar : si minùs, quantum potero, non tam mihi me, quàm reipublicae reservabo. Mihi ferè satis est, quod vixi, vel ad aetatem, vel ad gloriam : huc si quid accesserit, non tam mihi quàm vobis, reique publicae accesserit.

the highest degree: but when have we known the anxiety of good men, and the concern of all, so great as they have been for him? never, surely. How then, immortal gods! are you at a loss what construction to put upon this? What do you imagine they think of your lives, to whom the lives of those are so dear, who, they flatter themselves, will consult the interests of their country? I have now, conscript fathers, reaped the full fruit of my return; as I have now said what must in all events be a proof of my constancy, and have been favourably and attentively heard by you; an indulgence which I shall often use, if I can do it with safety to myself and you; if not, I shall reserve myself as well as I can, not so much for my own sake, as for that of the republic. I have lived almost enough, either for nature or for glory: if any addition is made to either, the advantage shall not be so much mine, as yours and my country's.

ORATIO XVI.

*IN M. ANTONIUM PHILIPPICARUM**

PHILIPPICA SECUNDA.

I. QUONAM meo fato, P. C. fieri dicam, (1) ut nemo his annis viginti reipublicae hostis fuerit, qui non bellum eodem tempore mihi quoque indixerit? Nec verò necesse est à me quenquam nominari vobis, cùm ipsi recordemini; mihi poenarum illi plus, quàm optarem, dederunt. Te miror, Antoni, quorum facta imitare, eorum exitus non perhorrescere. Atque hoc in aliis minùs mirabar; nemo illorum inimicus mihi fuit voluntarius: omnes à me reipublicae causâ lacesisti; tu, ne verbo quidem violatus, ut audacior quàm Catilina, furiosior quàm P. Clodius viderere, ultro maledictis me lacesisti; tuamque à me alienationem commendationem tibi ad cives impios fore putavisti. Quid putem? contemptum-ne me? non video nec in vita, nec in gratia, nec in rebus gestis, nec in hac mea mediocritate ingenii, quid despicere possit Antonius. An in senatu facillimè de me detrahi posse credidit? qui ordo clarissimis civibus bene gestae reipublicae testimonium multis, mihi uni conservatae dedit. An decertare mecum voluit contentione dicendi? hoc quidem beneficium est; quid enim plenius, quid uberior, quàm mihi et pro me, et contra

NOTES.

* Antony, being highly exasperated at the preceding speech, summoned another meeting of the senate, where he again required Cicero's attendance; being resolved to answer him in person, and justify his own conduct. The senate met on the appointed day, in the temple of Concord, whither Antony came with a strong guard, and in great expectation of meeting Cicero, whom he had endeavoured by artifice to draw thither; but though Cicero himself was ready, and desirous to go, yet his friends overruled and kept him at home, being apprehensive of some design intended against his

life. Antony's speech confirmed their apprehensions, in which he poured out the overflowings of his spleen with such fury against him, that Cicero, alluding to what he had done a little before in public, says, that he seemed once more rather to sp—w, than to speak. As a breach with Antony was now inevitable, Cicero thought it necessary, for his security, to remove to some of his villas near Naples, where he composed this oration, by way of reply to Antony; not delivered in the senate, as the tenor of it seems to imply, but finished in the country; nor intended to be published

ORATION XVI.

THE SECOND AGAINST M. ANTONY.

SECT. I. By what singular fate of mine, conscript fathers, shall I say it comes to pass, that for these twenty years there has not been an enemy to the public, who has not at the same time declared war also against me? It is unnecessary for me to mention their names, since you yourselves can so easily recollect them: their punishment has been more grievous than I could have wished. I am surprised, Antony, that you do not dread their fate, as you imitate their conduct. This, in others, however, I less wondered at; for not one of them chose to be my enemy; all of them were attacked by me, for the sake of the state. But you, without even the revocation of words, that you may appear more audacious than Catiline, and more furious than Clodius, have, of your own accord, fallen upon me with your calumnies, and thought a breaking with me would be a recommendation to profligate citizens. What am I to think of this? that I am despised? I see nothing in my life, nor in my reputation, nor in my actions, nor in my capacity, small as it is, that Antony can despise. Did he imagine the senate was the properest place for making a successful attack upon my character? an assembly which has conferred on many illustrious citizens the praise of having done great things for the state, but on me alone that of having saved it. Had he a mind to contend with me in eloquence? this is, indeed, doing me a kindness; for what more copious, what more fertile subject can I have

First proof
NOTES.

till things were actually come to an extremity, and the occasions of the republic made it necessary to render Antony's character and designs as odious as possible to the people. It is a most bitter invective on his whole life, describing it as a perpetual scene of lewdness, faction, violence and rapine, heightened with all the colours of wit and eloquence; and

shews, that in the decline of life, Cicero had lost no share of that fire and spirit with which his earlier productions are animated.

(1) *Ut nemo his annis viginti.]* viz. ever since his consulship, during all which time he had been continually harassed with the Clodian and Catilinarian factions.

Antonium dicere? Illud profectò est; non existimavit sui similibus probari posse, se esse hostem patriae, nisi mihi esset inimicus. Cui prius quām de caeteris rebus respondeo, de amicitia, quam à me violatam esse criminatus est, quod gravissimum crimen judico, pauca dicam.

II. Contra rem suam me, nescio quando, venisse questus est.

(2) An ego non venirem contra alienum pro familiari et necessario meo? non venirem contra gratiam, non virtutis spe, sed actatis flore collectam? non venirem contra injuriam, quam iste intercessoris iniquissimi beneficio obtinuit, non jure praetorio? Sed hoc idcirco commemoratum à te puto, ut te infimo ordini commendares; cùm omnes te recordarentur libertini generum, et liberos tuos, nepotes Q. Fadii, libertipi hominis, fuisse. At enim te in disciplinam meam tradideras, (nam ita dixisti); domum meam ventitāras. Nae tu, si id fecisses, melius famae, melius pudicitiae tuae consuluisses: sed nec fecisti, nec, si cuperes, tibi id (3) per C. Curionem facere licuisset. Auguratus petitionem mihi te concessisse dixisti. O incredibilem audaciam! ó impudentiam praedicandam! Quo enim tempore me augurem, (4) à toto collegio expetitum, Cn. Pompeius et Q. Hortensius nominaverunt (neque enim licebat à pluribus nominari), nec tu solvendo eras, nec te ullo modo, nisi eversâ republicâ, incolumem fore putabas. Poteras autem eo tempore auguratum petere, cùm in Italia Curio non esset? aut tum, cùm es factus, unam tribum sine Curione ferre potuisses? cuius etiam familiares de vi condemnati sunt, quòd tui nimis studiosi fuissent.

III. At beneficio sum usus tuo; quo? quanquam illud ipsum, quod commemoaras, semper prae me tuli. Malui me tibi debere confiteri, quām cuiquam (minùs prudenti) non satis gratus videri.

NOTES.

(2) *An ego non venirem contra alienum profamiliari et necessario meo?*] Who this friend was, does not appear; but the stranger hinted at, was Q. Fadius Bombalio, the freed-man, whose daughter Antony had married.

(3) *Per C. Curionem.*] Curio was a young nobleman of shining parts; admirably formed by nature to adorn that character, in which his father and grandfather had flourished before him, of one of the principal orators of Rome; but a natural propensity to pleasure, stimulated by the example and counsels of his perpetual companion Antony, hurried him into all the extravagance of expence and debauchery. When his father, by Cicero's advice, obliged him to quit the familiarity of Antony, he reformed his conduct, and, adhering to the instructions

and maxims of Cicero, became the favourite of the city; the leader of the young nobility; and a warm assertor of the authority of the senate, against the power of the triumvirate. After his father's death, upon his first taste of public honours, and admission into the senate, his ambition and thirst of popularity engaged him in so immense a prodigality, that, to supply the magnificence of his shews and plays, with which he entertained the city, he was soon driven to the necessity of selling himself to Caesar, and fell the first victim in the civil war.

(4) *At toto collegio expetitum, Cn. Pompeius et Q. Hortensius nominaverunt.*] The priests of all kinds were originally chosen at Rome by their colleges, till Domitius, a tribune, transferred the choice of them to the people, whose authority was held

than that of speaking for myself, and against Antony? This is certainly his design; he thought, that to men of his own stamp, he could not approve himself a foe to his country, unless he became my enemy. Before I reply to other matters, I shall touch briefly on our friendship, which he charges me with violating; an accusation, in my opinion, of the blackest nature.

at sometime or other

SECT. II. He complains that I appeared, (I know not when,) against his interest. Ought I not to have appeared against a stranger, in favour of my friend and kinsman? ought I not to have appeared against a power acquired, not by any hopes of virtue, but at the expence of youthful bloom? ought I not to have appeared against an injury committed through the partiality of an infamous tribune, and not the decision of the praetor? But this, I fancy, you mentioned, in order to recommend yourself to the lowest rank of the people; it being well known to all, that you yourself are son-in-law to a man who had been a slave, and that your children are the grand-children of Q. Fadius, who had been a slave. 'But you had put yourself under my direction, (for that was your expression); you frequented my house. Had you done that, indeed, your reputation and your morals had been more free from blemish. But you neither did it, nor, had you been inclined, would Curio have permitted you. You alleged that you quitted your pretensions to the augurship, in my favour. Incredible assurance! astonishing impudence! At the time when Cn. Pompey and Q. Hortensius nominated me augur, (for two only could do it), at the request of the whole college, you ~~were~~ not able to pay your debts, nor had you any hopes of safety but in the subversion of the commonwealth. But could you stand for the augurship when Curio was not in Italy? or when created augur, could you have carried a single tribe, had it not been for Curio? and even his friends were convicted of violence, because they were too zealous in your cause.

SECT. III. But I have been obliged to you: how obliged to you? though I have been always ready to acknowledge that very circumstance which you mention as an obligation, choosing rather to confess myself obliged to you, than appear ungrateful to any

NOTES.

to be supreme in sacred, as well as civil affairs. This act was reversed by Sylla, and the ancient right restored to the colleges; but Labienus, when tribune, in Cicero's consulship, recalled the law of Domitius, to facilitate Caesar's advancement to the high-priesthood: it was necessary, however, that every candidate should be nominated to the people by

two augurs, who gave a solemn testimony upon oath of his dignity and fitness for the office: this was done in Cicero's case by Pompey and Hortensius, the two most eminent members of the college; and, after the election, he was installed with all the usual formalities by Hortensius.

Sed quo beneficio? quòd me Brundusii non occideris? quem ipse victor, qui tibi, ut tute gloriari solebas, (5) detulerat ex latronibus suis principatum, salvum esse voluisset, in Italiam ire jussisset, eum tu occideres? Fac potuisse; quod est aliud, P. C. beneficium latronum, nisi ut commemorare possint, iis se vitam dedissem, quibus non ademerint? Quod si esset beneficium, nunquam ii, qui illum interfecerunt, à quo erant servati, quos tu ipse viros clarissimos appellare soles, tantam essent gloriam consecuti. Quale autem beneficium est, quòd te abstinueris nefario scelere? qua in re non tam jucundum videri mihi debuit, non imperfectum à te, quàm miserum id te impunè facere potuisse. Sed sit beneficium, quandoquidem majus accipi à latrone nullum potuit, in quo potes me dicere ingratum? an de interitu reipublicae queri non debui, ne in te ingratus viderer? At in illa querela misera quidem et luctuosa, sed mihi pro hoc gradu, in quo me senatus populusque Romanus collocavit, necessaria, quid est dictum à me cum contumelia? quid non moderatè? quid non amicè? quod quidem cuius temperantiae fuit, de M. Antonio querentem, abstinere maledicto? (6) praesertim cùm tu reliquias reipublicae dissipavisses? cùm domi tuae turpissimo mercatu omnia essent venalia? cùm leges eas, quae nunqñam promulgatae essent, et de te, et à te latas confiterere? cùm auspicia augur, intercessionem consul sustulisses? cùm esses foedissimè stipatus armatis? cùm omnes impuritates pudica in domo quotidie susciperes, vino lustrisque confectus? At ego, tanquam mihi cùm M. Crasso contentio esset, quocum multae et magnae fuerunt, non cum uno gladiatore nequissimo, de rep. graviter querens, de homine nihil dixi. Itaque hodie perficiam, ut intelligat, quantum à me beneficium tum acceperit.

IV. At etiam literas, quas me sibi misisse diceret, recitavit, homo et humanitatis expers, et vitae communis ignarus. Quis enim unquam, qui paullum modò bonorum consuetudinem nōsset, literas ad se ab amico missas, offensione aliquā interpositā, in medium protulit, palamque recitavit? Quid est aliud, tollere è vita vitae societatem, quàm tollere amicorum colloquia absentium? quàm multa joca solent esse in epistolis, quae prolata si sint, inepta esse

NOTES.

(5) *Detulerat ex latronibus suis principatum.*] What Cicero here says, is equally severe both upon Caesar and upon Antony; for he insinuates, that that war was more properly a robbery than a lawful war.

(6) *Praesertim cùm tu reliquias reipublicae dissipavisses.*] By *reliquias rei-*

publicae is here probably meant the public money laid up in the temple of Ops, which Antony claimed to himself, and made subservient to the purposes of his ambition; or the four thousand talents may be referred to, which Antony got from Calphurnia, Caesar's wife.

unthinking person. But what was this obligation? That you did not murder me at Brundusium? What! would you have murdered a man, preserved and restored to Italy by order of that very conqueror, who, as you yourself were wont to boast, had created you chief of his banditti? Admitting you could have done this; what else is it, conscript fathers, but the favour of robbers, whose language it is, that they save the lives of those they do not murder? If there were really any merit in this, those whom you used to call the most illustrious of mankind, and who killed their preserver, never could have acquired so great glory. But what is the merit of abstaining from the commission of a most atrocious crime? in which case it ought not to have been so agreeable to me that I was spared by you, as grievous, that you had it in your power to have murdered me with impunity. But allowing it to be a favour, since no greater can be received at the hands of a robber, in what respect can you call me ungrateful? ought I not to lament my country's ruin, lest I should appear ungrateful to you? yet in the complaint I then made, mournful and wretched as it was, though unavoidable by me in that station, to which I have been raised by the senate and people of Rome, what was there in the least abusive? did I not speak with moderation? did I not speak with friendship? Yet how great must be his temper, who, complaining of Antony, could abstain from abuse? especially when you had dissipated the remains of the state? when, within your house, every thing was subject to the most infamous venality? when you confessed that laws relating to yourself, which had never been proposed, were passed by your means? when, as augur, you had abolished the auspices; and, as consul, the intercession of the tribunes? when you had been shamefully attended by armed men? when, worn out with wine and debauchery, you committed all manner of lewdness in a house remarkable for its purity? But I, as if I had been contending with M. Crassus, with whom I have had many and sharp contests, and not with a most infamous gladiator, whilst I grievously lamented my country's ruin, omitted all personal reflections. To-day, therefore, I shall take care to make him sensible how great a favour I then conferred upon him.

SECT. IV. This wretch, void of all politeness, and ignorant even of common decency, publicly read the letters which he says I wrote to him. For who, that knows ever so little of what passes among men of honour, upon occasion of a slight quarrel, ever exposed and publicly read the letters that were sent him by his friend, to destroy the intercourse of absent friends? what is it, but to strip life of all its social joys? How many jokes are there generally in letters, which, if exposed, would appear very trifling?

videantur? quām multa seria, neque tamen ullo modo divulganda? Sit hoc inhumanitatis tuae: stultitiam incrēdibilem videte. Quid habes, quod mihi opponas, homo diserte, (7) ut Mustellae Tamisio et Tironi Numisio videris? qui cūm hoc ipso tempore stent cum gladiis in conspectu senatūs, ego quoque te disertum putabo, si ostenderis, quomodo sis eos inter sicarios defensurus. Sed quid opponas tandem, si negem me unquam istas literas ad te misisse? quo me teste convincas? an chirographo? in quo habes scientiam quaestuosam: qui possis? sunt enim librarii manu. Jam invideo magistro tuo, qui te tantā mercede, quātam jam proferam, nihil sapere doccat. Quid enim est minus non dico oratoris, sed hominis, quām id objicere adversario, quod ille si verbo negārit, longiūs progredi non possit qui objecerit? At ego non nego; teque in isto ipso convinco, non inhumanitatis solum, sed etiam amentiae: quod enim verbum in ipsis literis est non plenum humanitatis, officii, benevolentiae? Omne autem crimen tuum est, quod de te in his literis non male existimem; quod scribam tanquam ad civem, tanquam ad bonum virum, non tanquam ad sceleratum et latronem. (8) At ego tuas literas, etsi jure poteram à te lacesitus, tamen non proferam; quibus petis, ut tibi per me liceat quendam de exilio reducere; adjurasque id te, invito me, non esse facturum: idque à me impetas; quid enim me interponerem audaciae tuae, quam neque auctoritas hujus ordinis, neque existimatio populi Romani, neque leges ullae posset coērcere? Veruntamen quid erat quod me rogares, si erat is, de quo rogabas, Caesaris lege reductus; sed videlicet meam gratiam voluit esse; in quo ne ipsius quidem ulla poterat esse, lege latâ.

V. Sed cūm mihi, patres conscripti, et pro me aliquid, et in M. Antonium multa dicenda sint; alterum peto à vobis, ut me pro me dicentem benignè; alterum ipse efficiam, ut, contra illum cūm dicam, attentè audiatis: simul illud oro, si meam cūm in omni vita, tum in dicendo moderationem modestiamque cognōstis, ne me hodie, cūm isti, ut provocavit, respondero, oblitum esse pūtētis mei: non tractabo ut consulem; ne ille quidem me ut consularem: etsi ille nullo modo consul, vel quòd ita vivit, vel quòd ita rempublicam gerit, vel quòd ita factus est [consul]; ego sine

NOTES.

(7) *Ut Mustellae Tamisio et Tironi Numisio.*] All that we know of these men, is, that they were ruffians employed by Antony; illiterate fellows, qualified only to execute his brutal purposes.

(8) *At ego tuas literas.*] Cicero means the letters which he received from Antony, in regard to the restoration of Sextus Clodius. See Letters to Atticus, B. 14.

how many serious things, yet by no means to be divulged? let this suffice for his want of politeness; observe now his incredible stupidity. What have you to object to me, my man of eloquence? for such you seem to Mustella Tamisius, and Tiro Numisius, who, as they are standing this very moment in the sight of the senate with drawn swords in their hands, if you can shew why they are not to be ranked among assassins, I too shall think you eloquent. But what can you object, if I should deny that I ever sent you such letters? by what evidence can you convict me? By my handwriting? in this you have a profitable dexterity; but how can you do it? for they were written by my secretary. Now do I hate that tutor of yours, who, though he received such great wages, as I shall presently make appear, did not teach you the least wisdom. For what shews less, I will not say of an orator, but of a reasonable being, than to object that to an adversary, which if he should deny but upon his bare word, the objector could proceed no farther? But I do not deny it; and by that very fact I convict you not only of being void of politeness, but of common understanding. For is there a word in these letters, that is not full of politeness, good manners, and benevolence? But all your pique is, that in these letters I did not shew how bad an opinion I had of you, that I wrote to you as a fellow-citizen, and a worthy man, and not as a villain and a robber. Yet I, though the provocation I have received from you might justify my doing it, will never expose your letters; in which you beg that I would give you leave to recal a certain person from banishment, and swear that you will never do it without my consent. You obtained your request; for why should I oppose thy audacious insolence, which neither the authority of this assembly, nor the majesty of the Roman people, nor any laws can restrain? But, after all, why did you beg this of me, if the person for whom you interceded, was recalled by Caesar's law? but he had a mind, forsooth, to compliment me; though, as the law was passed, no thanks were even due to himself.

SECT. V. But as I have a great deal to say, conscript fathers, both for myself and against Antony, I must beg of you, that while I am speaking for myself, you would hear me with indulgence? and when I speak against him, I shall take care that you hear me with attention. I must farther beg of you, that as you have known my moderation and decency, both in the whole tenor of my life, and the course of my pleadings, you would not think I forget myself, if I answer him to-day according to the provocation he has given me. I will not treat him as a consul; for he has not treated me as consular: though he is in no respect consul, either as to his life, his administration, or the manner in which he was created; but I, beyond all dispute, consular. That you may understand,

ulla controversia consularis. Ut igitur intelligeretis, qualem ipse se consulem profiteretur, objecit mihi consulatum meum; qui consulatus, verbo meus, P. C. re vester fuit; quid enim constitui, quid gessi, quid egi, nisi ex hujus ordinis consilio, auctoritate, sententia? Haec tu homo sapiens, non solum eloquens, apud eos, quorum consilio sapientiaque gesta sunt, ausus es vituperare? Quis autem meum consulatum, praeter P. Clodium, qui vituperaret, inventus est? (9) cuius quidem tibi fatum, sicuti C. Curioni, manet: (10) quoniam id domi tuae est, quod fuit illorum utriusque fatale. Non placet M. Antonio consulatus meus: at placuit P. Servilio, ut eum primum nominem ex illius temporis consularibus, qui proxime est mortuus: placuit Q. Lutatio Catulo, cuius semper in hac republica vivet auctoritas: placuit duobus Lucullis, M. Crasso, Q. Hortensio, C. Curioni, M. Lepido, C. Pisoni, M. Glabroni, L. Volcatio, C. Figulo, D. Silano, L. Murenac, qui tum erant consules designati: (11) placuit idem, quod consularibus, M. Catoni; qui cum multa, vita excedens, providit, tum quod te consulem non vidit. Maximè vero consulatum meum Cn. Pompeius probavit; qui, ut me primum decedens ex Syria vidit, complexus et gratulans, meo beneficio patriam se visurum esse dixit. Sed quid singulos commemoro? frequentissimo senatu sic placuit, ut esset nemo, qui non mihi ut parenti gratias ageret, qui non mihi vitam suam, liberos, fortunas, rempublicam referret acceptam.

VI. Sed quoniam illis, quos nominavi, tot et talibus viris res publica orbata est, veniamus ad vivos, qui duo è consulari numero reliqui sunt. L. Cotta, vir summo ingenio, summâque prudentiâ, rebus iis gestis, quas tu reprehendis, supplicationem decrevit verbis amplissimis: eique illi ipsi, quos modò nominavi, consulares, senatusque cunctus assensus est; qui honos post conditam hanc urbem habitus est togato ante me nemini. L. Caesar, avunculus tuus, quâ oratione, quâ constantiâ, quâ gravitate sententiam dixit (12) in sororis suae virum, vitricum tuum? Hunc tu cum auctorem, et paeceptorem omnium consiliorum, totiusque vitae debuisses

NOTES.

(9) *Cujus quidem tibi fatum, sicuti C. Curioni, manet.*] Curio, having driven Cato out of Sicily, marched with the best part of four legions into Africa against Varus, who, strengthened by the conjunction of Juba, had reduced the whole province to his obedience. Upon his lauding, he met with some success, but was afterwards entirely defeated and slain near the river Bagrada, by Sabura, Juba's general.

(10) *Quoniam id domi tuae est, quod fuit illorum utriusque fatale.*] Meaning

Fulvia, who was first married to Clodius, concerning whom see the oration for Milo; next to Curio, above mentioned; and, lastly, to Antony.

(11) *Placuit idem, quod consularibus, M. Catoni.*] Marcus Cato, otherwise Uticensis, never rose higher than the praetorship; and for that reason is not ranked here among those of consular dignity.

(12) *In sororis suae virum, vitricum tuum.*] Antony's mother, Julia, was sister to Lucius Caesar; after the death

then, what sort of a consul he professes himself, he objects to me my consulate; a consulate, conscript fathers, which was nominally mine, but in fact yours; for what did I ordain, what did I undertake, or what execute, but by the advice, authority and decision of this assembly? And hast thou the assurance, wise and eloquent as thou art, to reproach me with my conduct, in the presence of those very persons by whose counsels and wisdom it was regulated? Who ever blamed my consulate, except P. Clodius? whose fate, as it has overtaken C. Curio, now awaits thee; since thou hast that in thy house which proved fatal to both. My consulate does not please Mark Antony; yet it pleased P. Servilius, to name him first, who is last deceased of the men of consular dignity at that time. It pleased Q. Lutatius Catulus, whose authority in this state will never die; it pleased the two Luculli, M. Crassus, Q. Hortensius, C. Curio, M. Lepidus, C. Piso, M. Glabrio, L. Volcatius, C. Figulus, with D. Silanus, and L. Murcena, who were then consuls elect. The same thing that pleased these consular men, pleased also Marcus Cato, who, as he left the world to avoid many things he foresaw, never saw thee consul. But above all, did my consulate please Cn. Pompey, who, when he first saw me on his return from Syria, embracing and complimenting me, owned that he was indebted to my conduct for beholding his country again. But why do I descend to particulars? So much did it please a full senate, that there was not a man who did not return thanks to me as to a father, who did not acknowledge that he owed his life, his children, his fortune, and the safety of the state to me.

SECT. VI. But as the public is now bereft of so many and such great men as I have now named, let me proceed to the living; two of whom, persons of consular dignity, are still alive. L. Cotta, a man of the greatest abilities and the utmost prudence, in the most honourable terms, decreed a supplication for that very conduct which you now condemn; to which those men of consular dignity, whom I have just mentioned, and the whole senate assented: an honour which, since the building of the city, was never conferred upon any man in the robes of peace, besides myself. With what spirit, with what firmness, with what dignity, did L. Caesar, your uncle, pronounce sentence upon his own sister's husband, your step-father? Him you ought to have made your pattern, the director of all your counsels; but you chose rather to resemble your step-father than your uncle. I, though none of his kinsmen, yet-

NOTES.

of Antony's father, she married Lentulus | consulship, for being concerned in Catiline's conspiracy.

habere, vitrici te similem, quām avunculi esse maluisti: Hujus ego alienus consiliis consul usus sum: tu sororis filius, ecquid ad eum unquam de republica retulisti? At ad quos refert? dii immortales! ad eos scilicet quorum nobis etiam dies natales audiendi sunt. Hodie non descendit Antonius: cur? dat natalitia in hortis; cui? neminem nominabo: putate tum (13) Phormioni alicui, tum Gnathoni, tum Ballioni. O foēditatem hominis flagitosam! ô impudentiam, nequitiam, libidinem non ferendam! tu cūm principem senatorem, civem singularem, tam propinquum habeas, ad eum de republ. nihil refers; ad eos refers, qui suam rem nullam habent, tuam exhaustiunt? Tuus videlicet salutaris consulatus, perniciosus meus.

VII. Adeōne pudorem cum pudicitia perdidisti, ut hoc in eo templo dicere ausus sis, in quo ego senatum illum, qui quondam florens orbi terrarum praesidebat, consulebam: tu homines perditissimos cum gladiis collocasti? At etiam ausus es (quid autem est, quod tu non audeas?) clivum Capitolinum dicere, me consule, plenum servorum armatorum fuisse; ut illa, credo, nefaria senatus consulta fierent, vim adferebam senatui. O miser, sive illa tibi nota non sunt (nihil enim boni nōsti), sive sunt, qui apud tales viros tam impudenter loquare? Quis enim eques Romanus, quis praeter te adolescens nobilis, quis ullius ordinis, qui se civem esse meminisset, cūm senatus in hoc templo esset, in clivo Capitolino non fuit? quis nomen non dedit? quanquam nec scribae sufficere, nec tabulac nomina illorum capere potuerunt. Etenim cūm homines nefarii de patriae parricidio confiterentur, conscientium indiciis, suā manu, voce penè literarum coacti, se urbem inflammare, cives trucidare, vastare Italiam, delere rempublicam consensisse; quis esset, qui ad salutem communem defendendam non excitaretur? praescerit cūm senatus populusque Romanus haberet ducem, qualis siquis nunc esset, tibi idem, quod illis accidit, contigisset. (14) Ad sepulturam corpus vitrici sui negat à me datum. Hoc verò ne P. quidem Clodius dixit unquam: quem, quia jure ei fui inimicus, doleo à te jam omnibus vitiis esse superatum. Quid autem tibi venit in mentem, redigere in memoriam nostrā, te domi P. Lentuli esse educatum? an verebare, ne non putaremus naturā te potuisse tam improbum evadere, nisi accessisset etiam disciplina?

NOTES.

(13) *Phormioni alicui, &c.*] Parasitical characters, put here for parasites in general. See Terence and Plautus.

(14) *Ad sepulturam corpus vitrici sui negat à me datum.*] Antony, it seems,

had objected to Cicero that he refused burial to the corpse of Lentulus Sura; but Plutarch, in his life of Mark Antony, shews that this charge was groundless.

followed his advice while consul ; thou, his sister's son, say, didst thou ever consult him upon any thing that related to the public ? Immortal gods ! whom does he consult with ? why, with those men whose very birth-days we must hear of. To-day Antony does not appear : why ? he celebrates a birth-day in his gardens : whose ? I shall name nobody : imagine it some buffoon's, pimp's, or parasite's. Detestable meanness ! intolerable impudence, wickedness and lust ! Thou, though so near allied to a principal senator, an eminent citizen, never advisest with him about the state ; but advisest with those who, having nothing of their own, consume thy substance. So beneficial is thy consulate to the public, so pernicious was mine.

SECT. VII. Art thou so far lost, then, to shame as well as chastity, that thou hast the assurance to affirm this in that very temple where I consulted with a senate which once presided gloriously over the whole world, but where thou hast now placed the most abandoned villains with swords in their hands ? But thou hast also had the assurance to say (for what is there thou hast not the assurance to say ?) that the mount of the Capitol, in my consulate, was filled with armed slaves : by which, I suppose, you would insinuate, that I forced the senate into the infamous decree it then made. Despicable wretch, to talk so impudently before this assembly, whether thou art ignorant of those things (but thou art a stranger to every thing that is good), or art not ignorant of them ! for was there a Roman knight, was there a youth of quality besides thyself, was there a man of any rank, who considered himself as a citizen, that was not on the mount of the Capitol, when the senate was assembled in this temple ? was there one who did not enlist himself ? the clerks could neither write down, nor the registers contain their names. For when abandoned villains confessed their design of being the parricides of their country ; when they were forced by the information of their accomplices, their own handwriting, and the voice of their letters, if I may use the expression, to acknowledge that they had conspired to set fire to the city, to murder the citizens, to lay waste Italy, and overturn the commonwealth ; where is the man that must not then have been roused to the defence of the public safety ? especially as the senate and people of Rome had then such a leader, that, had they now his fellow, the same fate would overtake thee which then befel them. He denies that I delivered the body of his stepfather to be buried. Not even P. Clodius ever said this, whom, as I had reason to be his enemy, I am sorry to see outdone by thee in all manner of wickedness. But what could put it into thy head to remind us that thou ~~wast~~ educated in the house of Lentulus ? wast thou apprehensive that we should imagine nature could not have made thee such a monster, without the aid of education ?

VIII. Tum autem eras excors, ut tota in oratione tua tecum ipse pugnares: ut non modò non cohaerentia inter se dices, sed maximè disjuncta, atque contraria: ut non tanta mecum, quanta tecum, tibi esset contentio. Vitricum tuum in tanto fuisse scelere fatebare, poenâ affectum querebare. Ita, quod propriè meum est, laudâsti; quod totum senatûs est, reprehendisti: nam comprehensio sontium, mea; animadversio, senatus fuit: homo disertus non intelligit eum, quem contra dicit, laudari à se; eos, apud quos dicit, vituperari. Jam illud cuius est, non dico audaciae (cupid enim se audacem dici) sed, quod minimè vult, stultitiae, quâ vincit omnes, clivi Capitolini mentionem facere, cùm inter subsellia nostra versentur armati? cùm in hac cella Concordiae, ô dii immortales! in qua, me consule, salutares sententiae dictae sunt, quibus ad hanc diem viximus, cum gladiis homines collectati stent? Accusa senatum: accusa equestrem ordinem, qui tum cum senatu copulatus fuit: accusa omnes ordines, omnes ci-
vies; dum confiteare hunc ordinem, hoc ipso tempore, (15) ab Ityreis circumcederi. Haec tu non propter audaciam dicis tam impudenter, sed quia tantam rerum repugnantiam non videas, nihil profectò sapis; quid est enim dementius, quâ, cùm ipse reipublicae perniciosa arma ceperis, objicere alteri salutaria? [At etiam quodam loco facetus esse voluisti: quâ id te, ~~et~~ boni! non decebat? in quo est tua culpa nonnulla: aliquid enim salis (16) ab uxore mima trahere potuisti: *Cedant arma togae;* quid tum? nonne cesserunt? At postea tuis armis cessit toga. Quaeramus igitur utrùm melius fuerit, libertati populi Romani sceleratorum arma, an libertatem nostram armis tuis cedere. (17) Nec verò tibi de versibus plura respondebo: tantùm dicam breviter; neque illos, neque illas te omnino literas nôsse: me nec reipublicae, nec amicis unquam defuisse; et tamen omni genere monumentorum meorum perfecisse operis subsecivis, ut meae vi-

NOTES.

(15) *Ab Ityreis, circumcederi.*] Jews, (so called from a province of Palestine having that name,) whom Antony, when he served under Gabinius the proconsul, brought with him to Rome, as persons every way qualified to execute his brutal and ambitious purposes.

(16) *Ab uxore mima trahere potuisti.*] This was Cytheris, one of Antony's mistresses, whom he is said to have carried along with him in his military expeditions. Some commentators think she is the same person who is mentioned by Virgil, in those lines, Ecl. 10th,

Galle quid insanis? inquit: tua cura Lycoris,

Perque nives alium, perque horrida castra secuta est.

She was called Volumnia too, from Volumnius Eutrapelus, who was acquainted with her before Antony was. She had indeed various names, which is no uncommon thing with ladies of her character.

(17) *Nec verò tibi de versibus plura respondebo.*] This famous distich has been a source of perpetual raillery upon Cicero's poetical character; and two bad lines, says the elegant and ingenious author of his life, picked out by the malice of enemies, and transmitted to posterity as a specimen of the rest, have served to

SECR. VIII. But so great was thy stupidity, that through the whole of thy discourse, thou wast at variance with thyself; insomuch that what thou saidst, was not only incoherent, but widely different and contradictory; so that thou didst not seem to contend so much with me as with thyself. You owned that your step-father was concerned in that monstrous conspiracy; but complained that he was punished for it. Thus, what was properly my act, you extolled; what was wholly the senate's, you condemned: for, that the guilty were apprehended, was owing to me; that they were punished, to the senate. This orator therefore does not perceive that he is praising the man he speaks against, and condemning those before whom he speaks. Now, by whose (I will not say audaciousness, for he loves to be called audacious), but by whose stupidity, an imputation he by no means likes, though he exceeds all men in it, shall I say it is, that the mount of the Capitol was mentioned, when armed men are posted even amidst our benches? when in this very temple of Concord, immortal gods! in which, under my consulship, wholesome measures were taken, measures by which we now live, guards are placed with swords in their hands? Accuse the senate; accuse the equestrian order, which was then connected with the senate; accuse every rank, and every citizen; but you must confess that this assembly is, at this very instant, beset by barbarians. It is not owing to your audaciousness that you talk so impudently; but your not perceiving the inconsistency of what you say, shews your extreme stupidity: for what can be more absurd, than to reproach another with taking up arms for the defence of his country, when thou thyself hast prepared an armed force for its destruction? But you once had a mind to be witty. Good gods! how ill did that become you! and, in some measure, let me tell you, it was your own fault; for you have a lady who might have infused some wit into you. *Let arms give place to the gown.* How! and did they not then give place? but the gown afterwards gave place to thy arms. Let us consider, then, which was best; that the arms of impious men should yield to the liberty of the Roman people, or that our liberty should yield to thy arms. But I shall say no more to thee concerning poetry: only observe briefly, that thou art an utter stranger to that and every other branch of literature; that I have never been wanting, in what I owe either to the state, or to my friends; and yet, by the works of every kind which I have composed in my leisure hours, have made my labours and learning contribute somewhat to the advantage of youth, and the glory of the

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damn many thousands of good ones: Anthony, it seems, had been severe upon him in regard to his poetry; and it is very ob-

servable, that his answer is not in that elegant and polite strain of raillery he was master of upon other occasions.

giliae, meaeque literae, et juventuti utilitatis, et nomini Romano laudis aliquid adferrent. Sed haec non hujus temporis: majora videamus.

IX. P. Clodium meo consilio interfectum esse, dixisti. Quidnam homines putarent, si tum occisus esset, cùm tu illum in foro, inspectante populo Romano, gladio stricto insecurus es; negotiumque transegisses, nisi ille se in scalas tabernae librariae conjectisset, hisque oppilatis impetum tuum compressisset? Quod quidem ego favisse me tibi fateor, suasisse ne tu quidem dicis; at Miloni ne favere quidem potui: priùs enim rem transegit, quàm quisquam eum id facturum suspicaretur. At ego suasi. Scilicet is animus erat Milonis, ut prodesse reipublicae sine suasore non posset. At laetus sum; quid ergo? in tanta laetitia cunctae civitatis me unum tristem esse oportebat? Quanquam de morte P. Clodii fuit quaestio, non satis prudenter illa quidem constituta; quid enim attinebat novâ lege quaeri de eo, qui hominem occidisset, cùm esset legibus quaestio constituta? quaesitum est tamen. Quod ergo, cùm res agebatur, nemo in me dixit; id tot annis pòst tu es inventus, qui dices? Quod verò dicere ausus es, idque multis verbis, operâ mèa Pompeium à Caesaris amicitia esse disjunctum, ob eamque causam mèa culpâ civile bellum esse natum: in eo non tu quidem totâ re, sed, quod maximum est, temporibus errasti.

X. Ego M. Bibulo, praestantissimo cive, consule, nihil praetermissi, quantum facere enitique potui, quin Pompeium à Caesaris conjunctione avocarem: in quo Caesar fuit felicior; ipse enim Pompeium à mea familiaritate disjunxit. Postea verò quàm se totum Pompeius Caesar tradidit, quid ego illum ab eo distrahere conarer? stulti erat sperare: suadere impudentis. Duo tamen tempora inciderunt, quibus aliquid contra Caesarem Pompeio suaserim: ea velim reprehendas, si potes: (18) unum, ne quinquennii imperium Caesar prorogaret: alterum, ne pateretur fieri, ut absentis ejus ratio haberetur: quorum si utrumvis persuasissem, in has miserias nunquam incidissemus. Atque idem ego, cùm jam omnes opes et suas,

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(18) *Unum, ne quinquennii, &c. alterum, ne pateretur fieri, ut absentis ejus ratio haberetur.*] Pompey, when he was consul the third time, in the year 70¹, procured a law empowering Caesar to offer himself as a candidate for the consulship, without appearing personally at Rome for that purpose. This was contrary to the fundamental principles of the Roman constitution, and proved in the event the occasion of its being utterly destroyed: as it furnished Caesar with the only specious pretence for turning

his arms against the republic. Cicero affirms here, that he endeavoured to dissuade Pompey from suffering this law to pass: but if this assertion be true, he must have acted a very extraordinary part; for, at the same time that he dissuaded Pompey from suffering this law to pass, he persuaded Coelius, who was one of the tribunes of the people, to promote it, or at least not to oppose it, agreeably to a promise which he had given to Caesar for that purpose. This appears in a passage of one of his letters to Atticus,

Roman name. These things, however, are foreign to our present purpose; let us proceed therefore to what is of greater importance.

SECT. IX. You said that Publius Clodius was killed by my advice. What would have men thought, had he been killed when you pursued him in the forum with your drawn sword, before the whole people of Rome; and had effected your purpose, if he had not thrown himself under the steps of a bookseller's stall, and, by barricading it, put a stop to your pursuit? In this, indeed, I confess that I countenanced you; but you yourself do not say that I advised you to it: as for Milo, I could not possibly countenance him, for he had completed the business before any person suspected that he had undertaken it. Yet it was I who advised him to it; as if Milo could not have done a service to his country without an adviser. But I rejoiced at it. What! amidst such universal joy, was there any reason why I should be the only dejected person in Rome? Yet, though it was not so very prudent to do it, a trial was appointed concerning the death of Clodius; for where was the necessity of trying a man by a new law, for the murder of another, when such a proceeding was authorised by the laws already in being? The trial, however, went on; and what nobody, while the affair was depending, accused me of, that you have laid to my charge so many years after. But as to what you had the assurance to say, and that in so many words, that Pompey was separated from Caesar's friendship by my means; and for that very reason, that the civil war was owing to me; though you are not altogether in the wrong, yet you are widely mistaken in point of time, which is a point of great importance.

SECT. X. While M. Bibulus, that most valuable citizen, was consul, I omitted no means in my power to draw off Pompey from his connection with Caesar: But in this Caesar was more fortunate, for he separated Pompey from my friendship. But after Pompey had given himself up entirely to Caesar, why should I have endeavoured to disunite them? To have entertained hopes of doing it, had been folly; to have attempted it, had been impudence. Two occasions, however, there were, on which I advised Pompey to oppose Caesar; and both these measures you may blame if you can. The first was, that Caesar's five years command should not be prorogued; the other, that Pompey would not suffer any regard to be paid to Caesar's absence: in either of which could I have prevailed, we had never fallen into these ca-

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where, speaking of Caesar's claim to sue for the consulate, without personally attending at Rome, he tells Atticus, *ut illi* | *hoc licet, adjuvi; rogatus ab ipso Ravenae de Caelio tribuno plebis.* *Ad. Att. 7, 1.*

et populi Rom. Pompeius ad Caesarem detulisset, seroque ea sentire coepisset, quae ego ante multò praevideram, inferrique patriae bellum nefarium viderem; pacis, concordiae, compositionis auctor esse non destiti: meaque illa vox est nota multis, UTINAM, Cn. Pompei, cum C. Caesare societatem aut nunquam coisses, aut nunquam diremises! fuit alterum gravitatis, alterum prudentiae tuae. Haec mea, M. Antoni, semper et de Pompeio, et de republica consilia fuerunt: quae si valuissent, respublica staret; tu tuis flagitiis, egestate, infamiâ, concidisses.

XI. Sed haec vetera: illud verò recens, Caesarem meo consilio interfectum. Jam vereor, patres conscripti, ne, quod turpissimum est, praevericatorem mihi apposuisse videar, qui me non solum meis laudibus ornaret, sed etiam oneraret alienis; quis enim meum in ista societate gloriosissimi facti nomen audivit? cuius autem qui in eo numero fuisset, nomen est occultatum? Occultatum, dico? cuius non statim divulgatum? citius dixerim jac-tasse se aliquos, ut fuisse in ea societate viderentur socii, cum socii non fuissent, quam ut quisquam celari vellet. Quam verisimile porrò est, in tot hominibus, partim obscuris, partim adolescentibus, neminem occultantibus, meum nomen latere potuisse? Etenim si auctores ad liberandam patriam desiderarentur illis auctoribus, Brutos ego impellerem, quorum uterque L. Bruti imaginem quotidie videret, (19) alter etiam Ahalae? Hi igitur his majoribus orti ab alienis potius consilium peterent quam à suis? et foris potius, quam domo? Quid! (20) C. Cassius, in ea familia natus, quae non modò dominatum, sed ne potentiam quidem jusquam ferre potuit, me auctorem, credo, desideravit: qui etiam sine his clarissimis viris, hanc rem, in Cilicia, ad ostium fluminis Cydni confecisset, si ille ad eam ripam, quam constituerat, non ad contrariam, navim appulisset. (21) Cn. Domitium non patris interitus, clarissimi viri, non avunculi mors, non spoliatio dignitatis, ad recuperandam libertatem, sed mea auctoritas excitavit? An C. Trebonio ego persuasi, cui ne suadere quidem ausus essem? quo etiam majorem ei respublica gratiam debet, qui libertatem populi Romani unius amicitiae praeposuit; depulsorque dominatus, quam particeps esse maluit. (22) An L. Tillius Cimber me

NOTES.

(19) *Alter etiam Ahalae?* Ahala was one of Brutus's ancestors, by the mother's side; he slew Sp. Melius, a Roman knight, suspected, on account of his largesses to the people, of aiming at the sovereignty.

(20) *C. Cassius, in ea familia natus, &c.* Cassius was descended from the great C. Cassius, who put his own son to death, because suspected of forming designs against the state.

(21) *Cn. Domitium non patris interi-*

tus, &c.] Suetonius gives a very great character to this Domitius. He was son to L. Domitius who fell in the battle of Pharsalia, and nephew to Cato Uticensis,

(22) *An L. Tillius Cimber me est auctorem secutus?* Seneca, in his epistles to Lucilius, says, that this Cimber was a notorious drunkard; and that, nevertheless, the secret of Caesar's death was as much entrusted to him as it was to Cassius, who all his life had drank nothing but water.

lamities. Yet when Pompey had delivered up all his own power, and that of the Roman people, into Caesar's hands, when he began too late to perceive those evils which I had long before foreseen, and when I saw that an unnatural war was ready to break out against my country, I never ceased endeavouring to promote peace, harmony, and a reconciliation. What I said upon that occasion, is well known to many: *I wish, Pompey, you had never contracted, or never broke off your friendship with Caesar; the one had been consistent with your dignity, the other with your prudence.* These, Mark Antony, have ever been my counsels, both with regard to Pompey and the state: had they prevailed, the constitution had stood, and you must have fallen by your crimes, your poverty, and infamy.

SECT. XI. But these are instances of an old date: let us proceed to one that is later. You say, then, that Caesar was killed by my advice. Here I am afraid, conscript fathers, of a most scandalous imputation, since it may seem as if I set up this sham accuser, not only to load me with my own honours, but with those of others: for who ever heard my name among those who had a share in that most glorious deed? yet whose name that was concerned in it, was concealed? Concealed, do I say? whose, that was not immediately published? I would sooner say, that some boasted of being in that number who were not, than that any who were, desired to be concealed. Besides, how likely is it, that among so many, partly persons of obscure birth, partly young men, who concealed nobody, my name could possibly lie hid? For if those heroes had wanted persons to rouse them to the deliverance of their country, needed I to have prompted the two Brutii, each of whom had the statue of L. Brutus daily in his eye, and one of them that of Ahala besides? Sprung from such progenitors, therefore, would these men have asked advice of a stranger rather than of their own family, abroad rather than at home? What! C. Cassius, descended from a family that not only could not brook sovereignty, but even the superiority of any one; he, I suppose, wanted my instigation, who, even without the assistance of his illustrious partners, would have done this very thing in Cilicia, at the mouth of the river Cydnus, if Caesar had not landed on a different side from what he intended. It was not the death of his father, that most illustrious man, nor the fate of his uncle, nor the being deprived of his own honours, but my influence, that roused Cn. Domitius to recover his liberty. Did I persuade C. Trebonius? a man I would not even have ventured to talk to on such a subject: for which reason the state owes him greater thanks, because he preferred the liberty of the Roman people to the friendship of a single person, and chose rather to be the expeller than the partner of usurpation. Was L. Tillius Ciceron

est auctorem secutus? quem ego magis fecisse illam rem sum admiratus, quām facturum putavi; admiratus sum autem ob eam causam, quōd immemor beneficiorum, memor patriae fuisse. (23) Quid duos Servilius? Cascas dīcam, an Ahalas? et hos auctoritate mē censes excitatos potius quām caritate reipublicae? Longum est persequi caeteros; idque reipublicae praeclarum, fuisse tam multos, ipsis gloriosum.

XII. At quemadmodum me coarguerit homo acutus, recorda-
mini. Caesare interfecto, inquit, statim cruentum altè extollens
M. Brutus pugionem, Ciceronem nominatim exclamavit, atque ei
recuperatam libertatem est gratulatus. Cur mihi potissimum?
quōd sciebam? Vide ne illa causa fuerit appellandi me, quōd, cùm
rem gessisset consimilem rebus iis, quas ipse gesseram, me potissi-
mūm testatus est, se aemulum mearum laudum extitisse. Tu au-
tem, omnium stultissime, non intelligis, si id, quod me arguis, vo-
luisse interfici Caesarem, crimen sit; etiam lactatum esse morte
Caesaris crimen esse? quid enim interest inter suasorem facti, et
probatorem? aut quid refert utrū voluerim fieri, an gaudeam
factum? ecquis est igitur, te excepto, et iis qui illum regnare gau-
debant, qui illud aut fieri noluerit, aut factum improbarit? omnes
enim in culpa; etenim omnes boni, quantum in ipsis fuit, Caesa-
rem occiderunt: aliis consilium, aliis animus, aliis occasio defuit:
voluntas nemini. Sed stuporem hominis, vel dicam pecudis, at-
tendite; sic enim dixit: *M. Brutus, quem ego honoris causā nomi-
no,* (24) *cruentum pugionem tenens, Ciceronem exclamavit: ex quo
intelligi debet, cum conscientia fuisse.* Ergo ego sceleratus appellor
à te, quem tu suspicatum aliquid suspicaris: ille, qui stillantem
prae se pugionem tulit, is à te honoris causā nominatur? Esto:
sit in verbis tuis hic stupor; quanto in rebus sententiisque major?
Constitue hoc, consul, aliquando: Brutorum, C. Cassii, Cn. Domitii,
C. Trebonii, reliquorum, quam velis esse causam: edormi
crapulam, inquam, et exhala: an faces admovendae sunt, quae
te excitent tantae causae indormientem? nunquam-ne intelliges,

NOTES.

(23) *Quid duos Servilios?*] Publius Servilius, the father, was consul in the year of the city 674; and having taken some towns of the Isauri, he assumed the surname of Isauricus. His son was twice consul.

(24) *Cruentum pugionem tenens.*] Dr Akenside, in his *Pleasures of the Imagination*, one of the most beautiful poems in the English, or perhaps in any other language, speaks thus of what is here said of Brutus:

Look then abroad thro' nature, to the range
Of planets, suns, and adamantine spheres,
Wheeling, unshaken, thro' the void im-
mense: [scene]
And speak, O man! does this capacious
With half that kindling majesty dilate
Thy strong conception, as when Brutus
rose [fate],
Refulgent from the stroke of Caesar's
Amid the crowd of patriots; and his arm
Aloft extending, like eternal Jove

determined by me? one whom I was rather surprised to find concerned in such an action, than of opinion that he would undertake it; and the reason of my surprise was, that he could be unmindful of favours, and mindful of his country. How shall I distinguish the two Servilii? shall I call them Cascas, or Abalas? and canst thou think that these were influenced more by my persuasion, than love for their country? It would be tedious to mention the rest. That there were so many, is an honour to their country, and glorious to themselves.

SECT. XII. But observe in what manner this acute reasoner is to convict me. The moment Caesar was killed, says he, M. Brutus, extending his arm aloft with the bloody dagger, called aloud on Cicero by name, and congratulated him on the recovery of liberty. But why did he congratulate me in particular? because I was privy to the design? Consider whether this was not the reason of his calling upon me, that as he had performed an action of a similar nature with mine, he called me to witness that he appeared there as the rival of my glory. But, dunce, dost thou not perceive, that if a desire of having Caesar killed, which thou chargest me with, be a crime, it is also a crime to rejoice at his death? for where is the difference betwixt the adviser and approver of an action? or what matters it whether I wanted to see it done, or rejoiced at it? Is there then a man, excepting ~~thyself~~, and those who rejoiced at his usurpation, who was either averse to its being done, or condemned it when done? All men then are criminal: for all good men, as much as they could, were concerned in the death of Caesar. Some wanted resolution, some spirit, some the opportunity; but not one the inclination. But observe the stupidity of the man, or shall I rather say of the brute—for these were his words: *M. Brutus, whom I name with honour, holding up the bloody dagger, called aloud upon Cicero; whence we may infer, that he was privy to the design.* I therefore am called a villain, because you suspect me to have suspected something; he that held up the reeking poniard, is mentioned by you with honour. Be it so; let this stupidity be in thy words; how much more is there in thy sentiments and actions? Determine, my worthy consul, the nature of what the Bruti, C. Cassius, Cn. Domitius, C. Trebonius, and the rest have done. Take my advice, sleep out thy wine, and dispel its fumes. Must torches be applied to rouse thee, nodding over a cause of such importance? Wilt thou never

NOTES.

When guilt brings down the thunder,
call'd aloud
Or Tully's name, and shook his crimson
And bade the father of his country, hail!

For lo! the tyrant prostrate on the dust!
And Rome again is free!—
Flos. of Imag. B. 1, l. 437.

statuendum tibi esse, utrūm illi, qui istam rem gesserunt, homicidae sint, an vindices libertatis?

XIII. Attende enim paulisper, cogitationemque sobrii hominis punctum temporis suscipe; etenim ego, qui sum illorum, ut ipse fateor, familiaris, ut à te arguor, socius, nego quidquam esse medium: confiteor eos, nisi liberatores populi Romani, conservatoresque reipublicae sint, plus quām sicarios, plus quām homicidas, plus etiam quām parricidas esse: siquidem est atrocius patriae parentem, quām suum occidere. Tu, homo sapiens et considerate, quid dicens? Si parricidae; cur honoris causā à te sunt, et in hoc ordine, et apud populum Romanum, semper appellati? (25) cur M. Brutus, te referente, legibus est solutus, si ab urbe plus quām decem dies abfuisset? cur ludi Apollinares incredibili M. Bruti honore celebrati? cur provinciae Cassio et Bruto datae? cur quaestores additi? cur legatorum numerus auctus? atque haec acta per te! non igitur homicidae! sequitur ut liberatores tuo iudicio sint, quandoquidem tertium nihil potest esse. Quid est? num conturbo te? non enim fortasse satis, quae distinctiū dicuntur, intelligis. Sed tamen haec est summa conclusionis meae: quoniam scelere à te liberati sunt, ab eodem te amplissimis praemiis dignissimi judicati sunt. Itaque jam retexo orationem meam, scribam ad illos, ut siqui fortè, quod à te mihi objectum est, quaerent, sit-ne verum; ne cui negent: etenim vereor, ne aut celatum me ab ipsis, illis non honestum, aut invitatum refugisse, mihi sit turpissimum. Quae enim res unquam (prò sancte Jupiter!) non modò in hac urbe, sed in omnibus terris est gesta major? quae gloriosior? quae commendatior hominum memoriae sempiternae? In hujus me consilii societatem, tanquam in equum Trojanum, cum principibus includis? non recuso: ago etiam gratias, quoquo animo facis; tanta enim res est, ut invidiam istam, quam tu in me vis concitare, cum laude non comparem. Quid enim beatius illis, quos tu expulsos à te praedicas et relegatos? qui locus est aut tam desertus, aut tam inhumanus, qui illos, quō accesserint, non affari atque appetere videatur? qui homines tam agrestes, qui se, cùm eos adspexerint, non maximum cepisse vitac

NOTES.

(25) *Cur M. Brutus, te referente, legibus est solutus, si ab urbe plus quām decem dies abfuisset?*] Brutus and Cassius being obliged to quit Rome after Caesar's death, and not thinking it safe to return on account of the insolence of the mob, their friends solicited the senate for some extraordinary employment to be granted to them, to cover the appearance of a flight, and the disgrace of living in banishment, when invested with

one of the first magistracies of the republic. As praetors, their residence was absolutely necessary at Rome, and could not legally be dispensed with for above ten days in the year: but Antony readily procured a decree to absolve them from the laws; being glad to see them in a situation so contemptible, stript of their power, suffering a kind of exile, and depending, as it were, upon him for their protection. By this means commis-

understand, that it must be determined by thee, whether those who committed that action were murderers, or the assertors of liberty?

SECT. XIII. Yet attend a little, and for one moment think like a sober man. For I who confess myself their friend, and, as you affirm, am their associate, deny that there is any medium: I allow that if they were not the deliverers of the Roman people, and the preservers of the state, they are worse than ruffians, worse than murderers, worse even than parricides; inasmuch as it is a greater crime to murder the father of one's country, than it is to murder one's natural father. What say'st thou, wise and considerate man! to all this? If they are parricides, why are they always mentioned by thee with honour, both in this assembly, and before the Roman people? why had M. Brutus, at thy motion, a dispensation from the laws, of being absent from the city above ten days? why were the Apollinarian games celebrated in so honourable a manner for M. Brutus? why provinces assigned to Cassius and Brutus? why quaestors added? why the number of their lieutenants augmented? and all this was done by thee! they cannot then be murderers; they are consequently, in thy judgment, deliverers of their country, since there can be no medium. What's the matter? do I disconcert thee? perhaps thou dost not thoroughly understand what is so clearly stated. This is the sum of what I have said; since by thee they have been acquitted of guilt, by thee they have been thought worthy of the greatest rewards. I shall now, therefore, change my discourse: I will write to them, that if any should ask whether there was any truth in what you objected to me, not to deny it: for I am afraid lest it should be thought dishonourable in them to conceal it from me, or scandalous in me to decline it when invited. For, O sacred Jove! what greater action was ever performed, not only in this city, but in the whole world? what more glorious? what can better deserve being held in eternal remembrance? Dost thou make me an associate in this design, and shut me up with these heroes, as it were in the Trojan horse? I will not disown it: nay, I give thee thanks whatever be thy intention in doing it; for so glorious is the action, that I would not purchase an exemption from the malice which thou wouldest now raise against me, at the expence of the honour attending it. Can there be a happier fate, than that of the men whom thou declarest thou hast expelled and banished? what place is there so desert or barbarous, that, when they shall approach it, will not invite and entertain them? what

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sions were granted to them, to buy up corn in Asia and Sicily, for the use of the republic; which was contrived as an af-

front to them, being absolutely below their character.

fructum putent? quae verò tam immemor posteritas, quae tam ingratiae literae reperientur, quae eorum gloriam non immortalitatis memoriâ prosequantur! Tu verò adscribe me talem in numerum.

XIV. Sed unam rem vereor, ne non probes; si enim fuisse, non solum regem, sed regnum etiam de republica sustulisse: et si meus stilos ille fuisset (ut dicitur), mihi crede, (26) non solum unum actum, sed totam fabulam confecisset. Quanquam si interfici Caesarem voluisse crimen est, vide, quaeso, Antoni, quid tibi futurum sit; (27) quem et Narbone hoc consilium cum C. Trebonio cepisse notissimum est, et ob ejus consilii societatem, cum interficeretur Caesar, tum te à Trebonio vidimus sevocari. Ego autem (vide quām tecum agam non inimicē) quod bene cogitasti aliquando, laudo; quod non indicasti, gratias ago; quod non fecisti, ignosco. Virum res illa quaerebat. Quod si te in iudicium quis adducat, usurpetque illud Cassianum, CUI BONO FUESTIT: vide, quaeso, ne haereas; quanquam illud quidem fuit, ut tu dicebas, omnibus bono, qui servire nolebant; tibi tamen praecipue, qui non modò non servis, sed etiam regnas; qui maximo te aere alieno ad aedem Opis liberasti; qui per easdem tabulas innumerabilem pecuniam dissipavisti: (28) ad quem e domo Caesaris tam multa delata sunt; cuius domus quaestuosissima est falsorum commentariorum et chirographorum officina, agrorum, oppidorum, immunitatum, vectigalium, flagitosissimae nundinae. Etenim quae res egestati et aeri alieno tuo, praeter mortem Caesaris, subvenire potuisset? nescio quid conturbatus esse mihi viseris; nunquid subtimes, ne ad te hoc crimen pertinere videatur? libero te metu; nemo credet unquam: non est tuum de republica bene mereri: habet istius pulcherrimi facti clarissimos viros res publica auctores: ego te tantum gaudere dico, fecisse non arguo. Respondi maximis criminibus: nunc etiam reliquis respondendum est.

NOTES.

(26) *Non solum unum actum, sed totam fabulam confecisset.*] Cicero here declares, that if he had been concerned in the plot against Caesar, he should not have left his work imperfect; he frequently reproaches the conspirators with having committed a capital mistake, in sparing Antony when they destroyed Caesar. But it may be affirmed (and upon the authority of Cicero himself,) that nothing could have been more unjustifiable than to have rendered Antony a joint victim with Caesar. 'Tis true, there was an ancient law subsisting, by which every one was authorised to lift up his sword against the man who should discover any designs of invading the public liberties. But Antony was so far from having given indications of this kind at Caesar's death, that Cicero, in a

letter written to Atticus soon afterwards, tells him, he looked upon Antony as a man too much devoted to the indulgencies of a luxurious life, to be inclined to form any schemes destructive of the public repose. "Quem quidem ego," says he, "epularum magis arbitror rationem habere, quām quidquam mali cogitare."

(27) *Quem et Narbone hoc consilium cum C. Trebonio cepisse notissimum est.*] We learn from Plutarch, in his life of Antony, that when the conspirators were deliberating among themselves about killing Caesar, it was debated among them, whether they should invite Antony to assist them in the execution of their design; that Trebonius opposed the motion, alleging that he was no stranger to Antony's sentiments in regard to the affair, since he had already endeavoured

men so savage as not to think a sight of them the greatest happiness of their lives? what posterity shall be found so unmindful, what histories so ungrateful, as not to crown their memory with everlasting renown? do thou set me down in the glorious list.

SECT. XIV. But I am afraid of one thing; namely, that you cannot prove your assertion: for, had I been concerned, I should have rid the state, not only of the tyrant, but of tyranny itself; and had the piece been mine, (if I may be allowed to use the expression), I should not have stopt at one act, but finished the whole play. But if it be a crime to have wished for Caesar's death, what, Antony, must become of you? since it is well known that at Narbonne you entered into that plot with C. Trebonius, and because you had been once engaged in that design, we saw you, when Caesar was killing, called aside by the same Trebonius. I indeed commend you (observe how far I am from being an enemy) for having once in your life formed a virtuous purpose; I return you my thanks for not having betrayed the cause; and I forgive you for not acting in it. The affair, indeed, required a man; but if any one should bring you to a trial, and make use of that saying of Cassius, *What good purpose could it serve?* beware, I beseech you, you be not puzzled: though it was indeed of service, as you yourself said, to all who were not willing to be slaves; and to you in particular, who not only are no slave, but even a king; who have paid off your immense debts at the temple of Ops; who, by means of the notes I have mentioned, have squandered away a prodigious sum; to whom such a treasure was carried from Caesar's house; you, whose house is the most lucrative office for fictitious notes and writings; the most scandalous mart for lands, towns, immunities and taxes; for what but Caesar's death could have relieved thy necessities, and cleared thy debts? Thou seemest greatly disconcerted about something. Art thou afraid lest this charge should fall upon thee? I will rid thee of thy fear: nobody will ever believe it: it is not for thee to deserve well of thy country: those who performed that most glorious deed, were the most illustrious persons of the state; I only say, thou didst rejoice at it; I do not charge thee with committing it. I have answered the most heinous part of thy charge: it now remains to reply to the other.

NOTES.

to persuade him to it, at that time when Caesar was returning from Spain. Trebonius represented, at the same time, that Antony refused to comply with what he proposed, but that he had nevertheless kept the secret faithfully. Cicero gives a different account of the matter; he affirms, that Antony entered into the design against Caesar, but that

he had not courage to assist in the execution of it.

(28) *Ad quem e domo Caesaris tam multa delata sunt.*] Calphurnia, Caesar's wife, after the death of her husband, fled for shelter to Antony, carrying with her all the money Caesar had left behind him, amounting to near a million sterling.

XV. Castra mihi Pompeii atque omne illud tempus objecisti ; quo quidem tempore, si, ut dixi, meum consilium auctoritasque valuisset, tu hodie egeres, nos liberi essemus ; respubica non tot duces et exercitus amisisset. Fateor enim, me, (29) cùm ea, quae acciderunt, providerem futura, tanta in moestitia fuisse, quanta caeteri optimi cives, si idem providissent, fuissent. Dolebam, dolebam, P. C. rempublicam vestris quandam meisque consiliis conservatam, brevi tempore esse peritaram. Neque verò eram tam indoctus ignarusque rerum, ut frangerer animo propter vitae cupiditatem, quae me manens conficeret angoribus, dimissa molestiis omnibus liberaret : illos ego praestantissimos viros, lumina reipublicae, vivere volebam ; tot consulares, tot praetorios, tot honestissimos senatores, omnem praeterea florem nobilitatis ac juventutis, tum optimorum civium exercitus : qui si viverent, quamvis iniquâ conditione pacis (mihi enim pax omnis cum civibus bello civili utilior videbatur) rempublicam hodie teneremus. Quae sententia si valuisset, ac non ii maximè mihi, quorum ego vitae consulebam, spe victoriae elati obstitissent ; ut alia omittam, tu certè nunquam in hoc ordine, vel potius nunquam in hac urbe mansissés. At verò Cn. Pompeii voluntatem à me abalienabat oratio mea. An ille quenquam plus dilexit ? cum ullo aut sermones, aut consilia contulit saepius ? quod quidem erat magnum, de summa rep. dissentientes, in eadem consuetudine amicitiae permanere : sed et ego quid ille, et contrà ille quid ego et sentirem et spectarem videbat : ego incolumitati civium primùm, ut postea dignitati possemus ; ille praesenti dignitati potius consulebat : quod autem habebat uterque quod sequeretur, idcirco tolerabilior erat nostra dissensio. Quid verò ille singularis vir ac penè divinus de me senserit, sciunt qui eum de Pharsalica fuga Paphum persecuti sunt ; nunquam ab eo mentio de me, nisi honorifica, nisi plena amicissimi desiderii, cùm me vidisse plus fateretur, se speravisse meliora : et ejus viri nomine me insectari audes, cuius me amicum, te sectorem esse fateare ?

XVI. Sed omittatur bellum illud, in quo tu nimium felix fuisti,

NOTES.

(29) *Cùm ea, quae acciderunt, providerem futura.*] Cicero's wonderful reach of judgment in penetrating far into the consequences of events, is confirmed by the testimony of an historian who knew him

well ; and who assures us, that he pointed out, with a prophetic discernment, several circumstances that were fulfilled, not only in his own lifetime, but after his death.—*Cor. Nep. in Vit. Att.*

SECT. XV. You reproached me with being in Pompey's camp, and with my conduct during all that juncture; a juncture, in which, as I said, if my advice and authority had prevailed, thou hadst still been oppressed with want, and we in possession of our liberty: nor would the state have lost so many generals and armies. For I confess, that when I foresaw those things which have since come to pass, I was as much dejected as other good citizens would have been had they foreseen the same. It grieved me, it grieved me, conscript fathers, that this constitution, once preserved by your conduct and mine, was so soon to fall to ruin: not that I was so unexperienced and ignorant of human affairs as to suffer my spirits to sink through a fondness for life; the continuance of which did but consume me with anguish, while the loss of it would have freed me from my troubles. I wanted those excellent men, the luminaries of the state, to live; so many of consular, so many of praetorian dignity, so many illustrious senators, besides the whole flower of our nobility and youth, and an army of the most worthy citizens, had these lived, though upon unreasonable conditions of peace, (for to me any peace with my countrymen seemed more eligible than a civil war), we had still been in possession of the government. Had this advice prevailed, and had not those whose safety I consulted, elated with the hopes of victory, opposed it, to say no more, thou certainly hadst never remained in this order, or rather not in this city. But my discourse alienated Pompey's affection from me. Did he ever love any man more? was there a man with whom he conversed or advised more frequently? which was indeed very extraordinary, that two persons of different sentiments in regard to the most important matters of the state, should yet continue the same intercourse of friendship. But my sentiments and views were known to him, and his to me. I regarded the safety of my countrymen in the first place, that afterwards we might be able to consult their dignity: he had their immediate dignity rather in view. Thus, as each of us had a different point to pursue, our disagreement was for that reason the more moderate. But what that extraordinary, and almost divine person thought of me, those knew who accompanied him in his flight from Pharsalia to Paphos. He never mentioned me but with honour, and in terms of the most friendly concern; confessing that I saw further, but that he had hoped for the best. And hast thou the assurance to insult me by the mention of that man, while you own that I was his friend, and you the purchaser of his estate?

SECT. XVI. But let that war be passed over, in which you ^{were} too-successful. I shall not even reply to those jokes, which you say

(30) Ne jocis quidem respondebo, quibus me in castris usum esse dixisti: erant quidem illa castra plena curae; verum tamen homines, quamvis in turbidis rebus sint, tamen, si modò homines sunt, interdum animis relaxantur. Quod autem idem modestiam meam reprehendit, idem jocum; magno argumento est, me in utroque fuisse moderatum. (31) Haereditates mihi negasti venire. Utinam hoc tuum verum crimen esset! plures amici mei et necessarii vivebent: sed qui istuc tibi venit in mentem? Ego enim amplius H. S. ducenties acceptum haereditatibus retuli. Quanquam in hoc genere fateor feliciorum esse te: me nemo, nisi amicus, fecit haeredem, ut cum illo commodo, si quod erat, animi quidam dolor jungeretur; te is, quem tu vidisti nunquam, L. Rubrius Cassinas, fecit haeredem: et quidem vide, quam te amarit is, qui, albus aterve fueris ignorans, fratris filium praeteriit; Q. Fufi honestissimi equitis Romani, suique amicissimi, quem palam haeredem semper factitatem, ne nomen quidem perscripsit; te, quem nunquam viderat, aut certe nunquam salutaverat, fecit haeredem. Velim mihi dicas, nisi molestum est, L. Turselius quam facie fuerit, quam staturam, quo municipio, quam tribu; nihil scio, inquires, nisi quae praedia habuerit: igitur fratrem exhaeredans te faciebat haeredem. In multas praeterea pecunias alienissimorum hominum, ejectis veris haereditibus tanquam haeres esset, invasit. Quanquam hoc maximè admiratus sum, mentionem te haereditatum ausum esse facere, cum ipse haereditatem patris non adisses.

XVII. (32) Haec ut colligeres, homo amentissime, tot dies in aliena villa declamasti? quanquam tu quidem (ut tui familiarissimi dictitant) vini exhalandi, non ingenii acuendi causa declamitas. Et vero adhibes jogi causam magistrum, suffragio tuo et compotorum tuorum rhetorem; cui concessisti ut in te, quae vellet, diceret: salsum omnino hominem! sed materia facilis, in te et in tuos dicta

NOTES.

(30) *Ne jocis quidem respondebo, quibus me in castris usum esse dixisti.*] When Cicero joined Pompey, he was greatly dissatisfied with many things in regard to his management of the war, and the conduct of the chiefs of his party, who, trusting to the superior fame and authority of their leader, and dazzled with the splendor of the troops which the princes of the east had sent to their assistance, assured themselves of victory; and, without reflecting on the different character of the two armies, would hear of nothing but fighting. Cicero made it his business to discourage this wild spirit; but finding that his remonstrances were slighted, he resumed his usual way of railing, and what he could not dissuade by his auth-

rity, endeavoured to make ridiculous by his jests. Some of his sayings on this occasion are preserved by different writers. When Pompey put him in mind of his coming so late to them,—*How can I come late*, said he, *when I find nothing in readiness among you?* And upon Pompey's asking him sarcastically, *where his son-in-law, Dolabella, was?*—*He is with your father-in-law*, replied he. To a person newly arrived from Italy, and informing them of a strong report at Rome, *that Pompey was blocked up by Caesar;*—*And you sailed hither, therefore*, said he, *that you might see it with your own eyes.* And even after their defeat, when Nonnius was exhorting them to courage, because there were seven eagles still left

I made use of in the camp. That camp was indeed full of care ; but yet men, even amidst scenes of confusion, if they are men, sometimes unbend their minds. But since he both blames me for my dejection and my mirth, it is a strong presumption that I was moderate in both. You deny that any legacies were bequeathed me. I wish this charge of yours were true : many more of my friends and kinsmen must have been now alive. But how came that into thy head ? for I have received above £156,000 in legacies : though I confess that you have been luckier in this respect, for none but friends mentioned me in their wills ; so that what advantage I had, if I had any, was attended with grief. L. Rubrius Cassinas, a man whom you never saw, appointed you his heir. [And observe, I beseech you, how much he loved you, when, without knowing whether you were black or white, he preferred you to his own brother's son : he did not even mention Q. Fufius, a Roman knight of the greatest merit, and an intimate friend, whom he had always declared should be his heir ; and named you, whom he never saw, at least never spoke to. I wish you would tell me, if it is not too much trouble, what kind of a man L. Turselius was in person, how tall he was, of what corporation, and what tribe. I can tell you nothing, you will say, but what estates he had. Therefore he disinherited his brother, and made you his heir. He likewise seized the personal estates of a great many other persons, who were perfect strangers to him, to the prejudice of the true heirs.] But what surprises me most is, that thou shouldst have the assurance to mention legacies, when thou didst not succeed to thy own father's inheritance.

SECT. XVII. Was it in order to collect these things, idiot, that you declaimed so often at another person's country-seat ? though indeed your most intimate acquaintance give out that you declaim not for the sake of cultivating your genius, but to evaporate your wine : and, to complete the joke, you appointed a master, one who, in your judgment, and that of your companions, is a rhetorician, with liberty to say what he pleased against you. A pleasant fellow

NOTES.

in Pompey's camp ;—You encourage well,
said he, *if we were to fight with jack-daws.*
By the frequency of these spleenetic jokes,
he is said to have provoked Pompey so
far as to tell him, *I wish that you would*
go over to the other side, that you may begin to fear us. Vid. *Macr. Saturn.* 2. 3.
Plutar. in Cicer.

(31) *Haereditates mihi negasti venire.*
It was reckoned a great disgrace among
the Romans, to have no legacies be-

queathed them by their friends.

(32) *Haec ut colligeres, homo amentissime, tot dies in aliena villa declanasti ?*] Antony being greatly enraged at Cicero's first speech against him, resolved to answer him in person at the next meeting of the senate ; for which end he is said to have employed himself during the space of seventeen days in preparing the materials of a speech, and declaiming against Cicero in Scipio's villa near Tibur.

dicere. Vide autem, quid intersit inter te et avum tuum: ille sensim dicebat, quod causae prodesset; tu cursim dicens aliena. At quanta merces rhetori data est? Audite, audite, P. C. et cognoscite reipublicae vulnera; (33) duo millia jugerum campi Leontini Sex. Clodio rhetori assignasti, et quidem immunia, ut pro tanta mercede nihil sapere disceres: num etiam hoc, homo audacissime, ex Caesaris commentariis? Sed dicam alio loco et de Leontino agro, et de Campano: quos iste agros erexit reipublicae turpissimis possessoribus inquinavit. Jam enim, quoniam criminibus ejus satis respondi, de ipso emendatore et correctore nostro quaedam dicenda sunt; nec enim omnia effundam, ut, si saepius decertandum sit, ut erit, semper novus veniam: quam facultatem mihi multitudo istius vitiiorum peccatorumque largitur. Visne igitur te inspiciamus à puerō? sic opinor; à principio ordiamur.

XVIII. Tenesne memoriā praetextatum te decoxisse? Patris, inquies, ista culpa est: concedo; etenim est pietatis plena defensio. Illud tamen audaciae tuae, quod sedisti in quatuordecim ordinibus, (34) cùm esset lege Rosciā decoctoribus certus locus constitutus, quantvis quis fortunae vitio, non suo decoxisset. Sumpsisti virilem, quam statim muliebrem togam reddidisti: primò vulgare scortum; certa flagitii merces, nec ea parva: sed citò Curio intervenit, qui te à meretricio quaestu abduxit; (35) et, tanquam stolam dedisset, in matrimonio stabili et certo locavit. Nemo unquam puer emptus libidinis causā, tam fuit in domini potestate, quam tu in Curionis: quoties te pater ejus domo suā ejicit? quoties custodes posuit, ne limen intrares? (36) cùm tamen tu, nocte sociā, hortante libidine, cogente mercede, per tegulas demitterere; quae flagitia domus illa diutiū ferre non potuit. Scisne me de rebus mihi notissimis di-

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(33) *Duo millia jugerum campi Leontini, Sex. Clodio rhetori assignasti.*] This Sextus Clodius was a Sicilian. He is mentioned by Suetonius, in his book *De Cl. Rhe.* Antony gave him two thousand acres of the Leontine lands, reckoned the most fertile in all Sicily.

(34) *Cùm esset lege Rosciā decoctoribus certus locus constitutus.*] In the consulship of L. Metellus and Q. Martius, and the year of the city 682, Lucius Roscius Otho, a tribune of the people, enacted a law, that fourteen rows of benches should be appropriated to the knights in the theatre. But those of them who either through their own mismanagement or misfortunes, had lost their estates, had no right to sit on these benches. See *Orat. pro Mur.* note 17.

(35) *Et, tanquam stolam dedisset.*] In the early times of the Roman common-

wealth, the gown was used alike by men and women. Afterwards the women took up the *stola* and the *palla* for their separate dress. The *stola* was their ordinary vest, worn within doors, coming down to their ankles: when they went abroad, they slung over it the *palla*, or *pallium*, a long open manteau, which covered the *stola*, and their whole body. The common courtesans were not allowed to appear in the *stola*, but obliged to wear a sort of gown, as a mark of infamy, by reason of its resemblance to the habit of the opposite sex. Hence in that place of Horace,

— *Quid inter—
Est, in matrona, ancilla, peccavae togata?*

L. I. S. 2. ver. 63.

where, according to Dacier and other commentators, by *togata* is understood

truly ! but it is no difficult matter to find subject enough against you and your friends. Observe now the difference betwixt you and your grandfather. He spoke deliberately, and to the purpose ; you hastily, and what you say is foreign to the subject.] But what wages did you give your master in rhetoric ? Hear, hear, conscript fathers, and learn the wounds of your country. You allotted two thousand acres of the Leontine lands, and those too free from taxes, to Clodius the rhetorician, that, for such extravagant wages, you might learn—nothing. Was this done too, thou most impudent of men ! by virtue of Caesar's papers ? But I shall speak in another place both of the Leontine and Campanian lands, which having robbed the public of, he has defiled with his infamous tenants. For now, as I have said enough in answer to his accusations, I must touch a little upon this corrector and reformer of mine : now shall I exhaust my subject, that if I should have occasion to engage frequently, which I fancy will be the case, I may still fight with new weapons ; an advantage which the multitude of his vices and crimes furnishes me with.] Wouldst thou have us then examine thy conduct from a boy ? with all my heart : let us trace thee from thy first setting out.

SECT. XVIII. ~~Dost thou~~ remember, that before putting on the manly gown, thou wast a bankrupt ? That was my father's fault. I allow it ; for this is a defence full of filial piety. But it was owing to thy impudence that thou seatedst thyself in one of the fourteen rows in the theatre, when, by the Roscian law, there was a particular place appointed for bankrupts, even though they became such through misfortunes, and not through their own fault. You put on the manly gown ; but you quickly changed it into the dress of a woman. At first you was a common prostitute, at a fixed price, and that no low one ; but Curio soon interposed, who took you out of the profession of a prostitute, and, as if he had clothed you in a matron's robe, settled you in firm and certain wedlock. No boy purchased to satisfy brutal lust, was ever so much in the power of his master, as you ~~was~~ in Curio's. How often did his father turn you out of his house ? how often did he place centinels to prevent your crossing his threshold ? when you, notwithstanding, befriended by night, prompted by lust, and compelled by hire, ~~was~~ let down through the tiling ; crimes which that family could no longer bear with. Are you not conscious that I speak of what is well known to

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the common strumpet, in opposition both to the matron and the servant-maid.

(36) *Cum tamen tu, nocte sociā, &c.]* This is such an instance of brutal depravity, as cannot perhaps be paralleled ;

and though it is possible that Cicero here exaggerates a little, yet when we consider the amazing height to which vice and debauchery had then arrived at Rome, not altogether improbable.

cere? Recordare tempus illud, cùm pater Curio moerens jacebat in lecto: filius se ad pedes meos prosternens, lacrymans, te mihi commendabat: orabat ut te contra suum patrem, si sestertium sexagies peteret, defendarem: tantum enim se pro te intercessisse [dicebat]. Ipse autem amore ardens confirmabat, quòd desiderium tui discidii ferre non posset, se in exsilium esse iturum. Quo ego tempore tanta mala florentissimae familiae sedavi, vel potiùs sustuli; patri persuasi, ut aes alienum filii dissolveret; redimeret adolescentem summâ spe et animi et ingenii praeditum, rei familiaris facultatibus; eumque à tua non modò familiaritate, sed etiam congressione, patrio jure et potestate, prohiberet. Haec tu cùm per me acta meminisses, nisi illis, quos videmus, gladiis confideres, maledictis me provocare ausus essem?

XIX. Sed jam stupra et flagitia omittam; sunt quaedam, quae honestè non possum dicere: tu autem eo liberior, quòd ea in te admissisti, quae à verecundo inimico audire non posses. Sed reliquum vitæ cursum videte: quem quidem celeriter perstringam; ad haec enim, quae in civili bello, in maximis reipubl. miseriis fecit, et ad ea quae quotidie facit, festinat animus: quae peto, ut, quanquam multò notiora vobis, quām mihi sunt, tamen, ut facitis, attentè audiatis; debet enim talibus in rebus excitare ánimos non cognitio solùm rerum, sed etiam recordatio; tametsi incidamus oportet media, ne nimis serò ad extrema veniamus. Intimus erat in tribunatu Clodio, qui suā erga me beneficia commemorat; ejus omnium incendiorum fax; (37) cujus etiam domi quiddam jam tum molitus est: quid dicam, ipse optimè intelligit. Inde itum Alexandriam (38) contra senatus auctoritatem, contra religionem; sed habebat ducem Gabinium, quicum quidvis rectissimè facere posset. Qui tum inde reditus, aut qualis? (39) priùs in ultimam Galliam ex-

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(37) *Cujus etiam domi quiddam jam tum molitus est.]* By the second marriage of Antony's mother, he became stepson to that Lentulus who was put to death for conspiring with Catiline. To revenge the death of this father, he attached himself to Clodius; and, during his tribunate, was one of the ministers of all his violences; yet was detected at the same time in a criminal intrigue in his family, with his wife Fulvia, whom he married after Clodius's death.

(38) *Contra senatus auctoritatem, contra religionem.]* Ptolemy, king of Egypt, having been expelled his kingdom by his subjects, fled to Rome in order to solicit his restoration by a Roman army. Cato the tribune opposed his restoration, with the greatest part of the senate on his side.

Taking occasion to consult the Sibylline books, on the subject of some prodigies, he chanced to find in them certain verses, forewarning the Roman people not to replace an exiled king of Egypt with an army. This was so pat to his purpose, that there could be no doubt of its being forged; but Cato called up the guardians of the books into the rostra, to testify the passage to be genuine, where it was publicly read and explained to the people; it was laid also before the senate, who greedily received it; and, after a grave debate on this scruple of religion, came to a resolution, *that it seemed dangerous to the republic, that the king should be restored by a multitude.* Gabinius, when proconsul of Syria, in open defiance of the authority of the senate, and the

me? Recollect the time when Curio the father lay oppressed with grief in his bed; when the son, prostrating himself at my feet, recommended you with tears to my protection; and begged that I would defend you against his own father, if he should insist upon having forty-eight thousand pounds and upwards, for he said that he was engaged for you to that amount: at the same time, inflamed with passion, he declared, that as he could not bear the pangs of a separation from you, he would go into banishment. At which time I composed, or rather utterly banished, all these evils from that flourishing family. I persuaded the father to pay off his son's debts; by means of his estate, to extricate a youth, of the most promising genius, out of his difficulties; and by his paternal power and authority, to debar him not only from all intimacy, but from all manner of intercourse with you. As you remember all this was done by me, had you not trusted to these swords we now behold, would you have dared to attack me with your reproaches?

SECT. XIX. But I will now pass over your prostitution, and infamous intrigues: there are some things I cannot mention with decency; the knowledge of which gave you the greater scope, since you have been guilty of what cannot be urged against you by a modest enemy. But observe the remaining course of his life, which indeed I shall quickly run over: for I hasten to what he did in the civil war, amidst the greatest calamities of his country, and to what he now does every day; which though much better known to you than to me, yet I beg you would be pleased to continue your attention: for in such cases the passions ought to be roused, not only by knowledge, but by the recollection of actions. I must however cut off the middle stage of his life, lest I should arrive too late at the last.] This man, who now boasts of his favours to me, was intimate, in his tribuneship, with Clodius. He was the minister of all his violent proceedings. He did something at his house too at that time; what it was, I need not say: he himself knows very well what I mean. From thence he went to Alexandria, against the authority of the senate, and that of religion. But he had Gabinius for his leader, with whom he could not fail of doing every thing in the best manner. When, or how did he return then from thence? He went from Egypt into the farther

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direction of the Sibyl, replaced Ptolemy on the throne with his Syrian army. Antony accompanied Gabinius, and acquired the first taste of martial glory in an expedition undertaken against the laws and religion of his country.

(39) *Prius in ultimam Galliam ex Ae-*

gypto quādū domum.] Instead of returning from Egypt to Rome, where his debts would not suffer him to be easy, Antony went to Caesar into Gaul; and after some stay in that province, being furnished with money and credit by Caesar, he returned to Rome to sue for the quaestorship.

Aegypto, quād domum Quae autem erat domus? suam enim quisque domum tum obtinebat, neque erat usquam tua: domum dico? quid erat in terris, ubi in tuo pedem poneret, (40) praeter unum Misenum, quod cum sociis (41) tanquam Sisaponem tenebas?

XX. Venisti è Gallia ad quaesturam petendam. Aude dicere, te priùs ad parentem tuam venisse, quād ad me? acceperam enim jam antè Caesaris literas, (42) ut mihi satisficeri paterer à te: itaque ne loqui quidem sum te passus de gratia. Postea cultus sum à te, tu à me observatus in petitione quaesturae; quo quidem tempore P. Clodium, approbante populo Romano, in foro es conatus occidere: cūmque eam rem tuā sponte conarere, non impulsu meo; tamen ita praedicabas, te non existimare, nisi illum interfecisses, unquam mihi pro tuis in me injuriis satis esse facturum: in quo demiror, cur Milonem impulsu meo rem illam egisse dicas, cùm te ultrò mihi idem illud deferentem nunquam sim adhortatus: quanquam, si in eo perseverāsses, ad tuam gloriam rem illam referri malebam, quād ad meam gratiam. Quaestor es factus; (43) deinde continuò sine senatusconsulto, sine sorte, sine lege ad Caesarem cucurristi; id enim unum in terris, egestatis, aeris alieni, nequitiae, perditis vitae rationibus perfugium esse ducebas. Ibi te cùm et illius largitionibus, et tuis rapinis explevisse (si hoc est explere, quod statim effundas), advolasti egens ad tribunatum, ut in eo magistratu, si posses, viri tui similis esses.

XXI. Accipite nunc, quaeso, non ea, quae ipse in se atque in domesticum dedecus impurè atque intemperanter, sed quae in nos fortunaque nostras, id est, in universam rem publicam, impie ac nefariè fecerit; ab hujus enim scelere omnium malorum principum natum reperiets. (44) Nam cùm L. Lentulo, C. Marcelllo,

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(40) *Praeter unum Misenum.*] A promontory of Campania, nigh which Anthony had a seat.

(41) *Tanquam Sisaponem.*] Sisapo was a town of Corduba in Spain, famous for its mines of red lead. Cicero mentions it here by way of infamy. It alludes probably to some proverb taken from the collusion of the farmers, in whose hands it was, or from their working under ground.

(42) *Ut mihi satisficeri paterer a te.*] Antony had shewn himself Cicero's enemy in espousing Clodius's party.

(43) *Deinde continuò, &c.*] The quaestors, who were the general receivers or treasurers of the republic, were sent annually into the seven provinces, one with every proconsul or governor, to whom they were the next in authority: their

respective provinces were assigned them by a decree of the senate, or by casting of lots. But Antony, without any regard to laws or customs, went directly to Caesar, as soon as he was made quaestor.

(44) *Nam cùm L. Lentulo, C. Marcello, consulibus, &c.*] As soon as Lentulus and Marcellus, who were devoted to Pompey's interests, entered upon the consulship, the senate voted a decree, that Caesar should dismiss his army by a certain day, or be declared an enemy. M. Antony and Q. Cassius, two of the tribunes, opposed their negative to this, as they had done to every decree proposed against Caesar; and when they could not be persuaded by the entreaties of their friends to withdraw their negative, the senate proceeded to that vote, which was

Gaul, before he came to his own house. But what house? Every person at that time had a house of his own, but you had none. House, do I say? what place was there on earth where you could set your foot, except Misenus alone? which, like another Sisapo, you and your companions possessed?

SECT. XX. You came from Gaul to stand for the quaestorship. Dare you say that you visited your mother before me? for I had received Caesar's letters before, desiring that I would permit you to make satisfaction; therefore I would not suffer you so much as to mention any apology. After that you attached yourself to me, and I countenanced you in your suit for the quaestorship; at which time, with the approbation of all Rome, you attempted to kill P. Clodius in the forum: and though you attempted this of your own accord, not by my instigation, yet you declared that you could never make me sufficient reparation for the injuries you had done me, unless you had killed him. For which reason I am surprised you should now affirm that Milo did it at my instigation; seeing I never encouraged you to do it, though you made me that offer of your own accord. Yet had you persevered in your resolution, I should have chosen that that action had been accounted honourable for you, rather than advantageous for me. You ~~were~~ made quaestor; upon which, without any authority of the senate, without any allotment, without any law, you instantly hastened to Caesar; for that you thought the only refuge on earth for indigence, debt, ~~villany~~, and desperate circumstances. There, when by his profusion and your own rapine you had glutted yourself, (if that may be called glutting which you instantly disgorged), you flew, empty and beggarly as you ~~were~~, to the tribuneship, that you might, as far as you could, in that office approve yourself like your husband.

SECT. XXI. Hear now, I beseech you, not what concerns the impurity and intemperance of his domestic infamy, but his impious and flagitious conduct against us and our fortunes; that is, against the whole constitution: because from his wickedness you will find that all our calamities have sprung. For when, in the consulship of L. Lentulus and C. Marcellus, you were desirous, on the first of

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the last resort in cases of extremity,
" That the consuls, praetors, tribunes,
" and all who were about the city with
" proconsular power, should take care
" that the republic received no detri-
" ment." As this was supposed to arm
the magistrates with an absolute power

to treat all men as they pleased, who they judged to be enemies, the two tribunes immediately withdrew themselves upon it, and fled to Caesar's camp, on pretence of danger and violence to their persons, though none was offered or designed to them.

consulibus, kalendis Januar. labentem et propè cadentem rem publicam fulcire cuperetis, ipsique C. Caesari, si sanâ mente esset, consulere velleatis; tum iste venditum atque mancipatum tribunatum consiliis vestris opposuit, cervicesque suas ei subjicit securi, quâ multi minoribus in peccatis occiderunt, In te autem, M. Antoni, id decrevit senatus, et quidem incolumis, nondum tot lumenib[us] extinctis, quod in hostem togatum decerni est solitum more majorum: et tu apud patres conscriptos contra me dicere ausus es, cùm ab hoc ordine ego conservator essem, tu hostis reipublicae judicatus? Commemoratio illius tui sceleris intermissa est, non memoria deleta: dum genus hominum, dum populi Romani nomen exstabat (quod quidem erit, si per te licuerit, sempiternum), tua illa pestifera intercessio nominabitur. Quid cupidè à senatu, quid temerè siebat, cùm tu unus adolescens universum ordinem decernere de salute reipublicae prohibuisti? neque id semel, sed saepius; neque tu tecum de senatus auctoritate agi passus es. Quid autem agebatur, nisi ne deleri et everti rempublicam funditus velles; cùm te neque principes civitatis rogando, neque majores natu monendo, neque frequens senatus agendo, de vendita atque addicta sententia movere potuit? Tum illud, multis rebus antè tentatis, necessariò tibi vulnus inflictum, quod paucis ante te, quorum incolumis fuit nemo: tum contra te dedit arma hic ordo consulibus, reliquisque imperiis et potestatibus, quae non effugisses, nisi te ad arma Caesaris contulisses.

XXII. Tu, tu, inquam, M. Antoni, princeps C. Caesari, omnia perturbare cupienti, causam belli contra patriam inferendi dedisti. (45) Quid enim aliud ille dicebat? quam causam dementissimi sui consilii et facti afferebat, nisi quod intercessio neglecta, jus tribunitium sublatum, circumscriptus à senatu esset Antonius? Omitto quâ haec falsa, quâ levia; praesertim cùm omnino nulla causa justa cuiquam esse possit contra patriam arma capiendi. Sed nihil de Caesare: tibi certè confitendum est, causam pernicio-sissimi belli in persona tua constitisse. O miserum te, si intelligis! miseriorem, si non intelligis, hoc literis mandari, hoc memoriae prodi, hujus rei ne posteritatem quidem omnium saeculorum unquam immemorem fore; consules ex Italia expulsos, cumque his Cn. Pompeium, qui imperii populi Romani deçus ac lumen fuit;

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(45) *Quid enim aliud ille dicebat?* Though Caesar's real motive to begin the civil war, can be a secret to no person who knows any thing of his history, yet it is certain that Antony's flight gave the immediate pretext to it; and this Cicero had foretold: "Caesar," says he, in a letter to Atticus, "will betake himself to arms, either for our want of

" preparation, or if no regard be had to
" him at the election of consuls; but
" especially, if any tribune, obstructing
" the deliberations of the senate, or ex-
" citing the people to sedition, should
" happen to be censured or over-ruled,
" or taken off, or expelled, or, pretend-
" ing to be expelled, run away to him."
—*Ad Att. 7. 9.*

January, of propping the tottering and almost falling constitution, and of favouring C. Caesar himself, could he have been brought to a proper way of thinking: then did Antony oppose the venal and prostitute tribuneship to your measures, and subjected his own neck to that axe by which several had perished for crimes of a less heinous nature. But against you, M. Antony, the senate, while it was yet entire, and so many of its lights not yet extinguished, decreed that punishment which, according to the custom of our ancestors, was commonly decreed against an enemy of his country. And have you dared to speak against me before the senate, when by this assembly I have been adjudged the preserver, and you the enemy of the state? This your guilt has not indeed been mentioned for some time, but it is not forgotten. While the human race, while the Roman name shall remain (and remain it will for ever, unless extinguished by you), that pernicious opposition of yours shall be mentioned. What was done partially, what rashly by the senate, when you, a single youth, hindered that whole order from decreeing what concerned the public safety? and that not once, but often; nor would you suffer yourself to be reasoned with about the authority of the senate. Yet what was their design but to hinder you from abolishing and utterly overturning the constitution, when neither the principal persons of the city by their intreaties, nor the elders of the people by their remonstrances, nor a full senate by its deliberations, could shake your venal, your prostitute purpose? Then, many other previous methods being tried, that blow was necessarily inflicted upon you, which few before you had felt, and none without sinking under its weight. Then did this assembly arm against you the consuls, and our other commanders and powers, whose vengeance you had never escaped, if you had not fled for protection to Caesar's army.

SECT. XXII. You, M. Antony, you, I say, ~~was~~ the first who ~~were~~ furnished Caesar, already desirous of throwing every thing into confusion, with a pretext of waging war against his country. For what else did he say? what other reason did he assign for his outrageous resolutions and proceeding, but that the intercession was neglected, the tribunitial authority abolished, and Antony overruled by the senate? I shall not say how false, how trifling these excuses are, especially as no person can possibly have any just reason for taking up arms against his country. But I shall say nothing of Caesar; yet you must certainly confess, that the cause of that most destructive war was founded in your person. O wretched man, if thou perceivest! more wretched if thou dost not perceive, that this is committed to history, that this stands upon record, that no future age will ever forget this fact; that the consuls were expelled Italy, and with them Pompey, the light and ornament of the Ro-

omnes consulares, qui per valetudinem exsequi cladem illam fugamque potuissent; praetores, praetorios, tribunos plebis, magnam partem senatus, omnem sobolem juventutis, unoque verbo rempublicam expulsam atque exterminatam suis sedibus. Ut igitur in seminibus est causa arborum et stirpium: sic hujus luctuosissimi belli semen tu fuisti. (46) Doletis tres exercitus populi Romani interfectos; interfecit Antonius: (47) desideratis clarissimos cives; eos quoque eripuit vobis Antonius: auctoritas hujus ordinis afflita est; afflixit Antonius: omnia denique, quae postea vidimus, (quid autem mali non vidimus?) si recte ratiocinabimur, uni accepta referemus Antonio. Ut Helena Trojanis, sic iste huic reipublicae causa belli, causa pestis atque exitii fuit. Reliquae partes tribunatus principio similes: omnia perfecit, quae senatus, salvâ republicâ, ne fieri possent, perfecerat. Cujus tamen scelus in scelere cognoscite.

XXIII. Restituebat multos calamitosos: (48) in his patrui nulla mentio. Si severus, cur non in omnes? si misericors, cur non in suos? sed omitto caeteros. Licinium Denticulam de alea condemnatum, collusorem suum, restituit: quasi verò ludere cum condemnato non liceret: (49) sed ut, quod ille in alea perdiderat, beneficio legis dissolveret. Quam attulisti rationem populo Romano, cur eum restitui oporteret? absentem credo in reos relatum; rem indictâ causâ judicatam; nullum fuisse de alea lege judicium; vi oppressum et armis; postremò, quod de patruo tuo dicebatur, pecuniâ judicium esse corruptum: nihil horum. At vir bonus et republicâ dignus: nihil id quidem ad rem: ego tamen, quoniam condemnatum esse pro nihilo est, si ita esset, ignoroscerem: hominem omnium nequissimum, qui non dubitaret vel in foro aleâ ludere, lege, quae est de alea, condemnatum, qui in integrum restituit, is non apertissimè studium suum ipse profitetur? In eodem verò tribunatu, cum Caesar in Hispaniam proficiscens, huic conculcandam Italiam tradidisset; quae fuit ejus peragratio itinerum? Iustratio municipiorum? Scio me in rebus celebratissimis sermone omnium versari; eaque, quae dico dictu-

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(46) *Doletis tres exercitus populi Romani interfectos.*] viz. Pompey's in the plains of Pharsalia; Afranius's in Spain; and Scipio's in Africa.

(47) *Desideratis clarissimos viros.*] viz. Cato, Lentulus, Marcellus, Domitius, and many other persons of eminence, who perished in the civil war.

(48) *In his patrui nulla mentio.*] This was C. Antonius, who was consul with Cicero: upon the expiration of his office, he had Macedonia assigned to him for his province; for the mal-administration of which he was impeached and

brought to a trial; and being found guilty, was condemned to perpetual exile.

(49) *Sed ut, quod ille in alea perdiderat, beneficio legis dissolveret.*] Commentators are divided in the interpretation of this passage. By *beneficio legis*, Abramius thinks is meant a sum of money which Antony received for passing the law for Denticula's restoration; so that the sense of the passage, according to him, is, that with this sum Antony might pay off the money he had borrowed, and lost at gaming. The commentator *in usum Delphini* is of opinion, that the pas-

man empire: that all the consulars whose health would permit them to join in that rout and flight; that the praetors, the praetorians, the tribunes of the people, a great part of the senate, the whole body of our youth; in one word, that the republic was driven out and exterminated from its own habitations: as trees and plants therefore spring from seeds, so you are the seed of this most deplorable war. You are grieved that three Roman armies are cut off; they were cut off by Antony. Ye lament the loss of many eminent citizens: it was Antony that deprived you of them. The authority of this order is wounded; it is wounded by Antony. In short, all the calamities we have beheld ever since, (and what calamities have we not beheld?) if we will reason right, were owing to Antony alone. As Helen was to the Trojans, so has Antony been the occasion of war, misery, and destruction to this state. The rest of his tribuneship was of a piece with its beginning. He did every thing that the senate, while the constitution was inviolated, had taken care to prevent. But how villainous he was in the exercise of his villany, you shall now hear.

SECT. XXIII. He restored many condemned persons, but never mentioned his uncle. If he was severe, why not severe against all? if merciful, why not so to his own relations? But, to pass over the rest, he has restored his playfellow Licinius Denticula, who was condemned for gaming, as if indeed it were unlawful to play with a condemned person; but this was done, that what he lost by gaming, he might clear by the benefit of the law. What reason did you assign to the people of Rome, why he should be restored? An information had been granted against him, I suppose, in his absence; the affair determined without inquiring into the merits of the cause; there was no express law against gaming; he was overpowered by force and arms; in a word, as was said of your uncle, the trial was influenced by money: none of these reasons were assigned. But he was a good man, and a worthy citizen; that too is nothing to the purpose: yet, as you allege that he was unjustly condemned, if this were true, I could forgive him. But he that restores the most abandoned of mankind, a man that did not scruple playing at dice even in the forum, and condemned by the law against gaming, does he not evidently profess his own passion for it? Moreover, in the same tribuneship, when Caesar, at his departure for Spain, delivered up Italy to be trampled upon by this fellow, what a progress did he make over the country? what a review of the municipal towns? I know that I am now treating of matters publicly talked of by

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sage refers to Denticula. This is the sense in which we have taken it, as ap-

pearing to us the most natural. The reader may take which he pleases.

rusque sum, notiora omnibus esse, qui in Italia tum fuere, quam mihi, qui non fui: notabo tamen singulas res; etsi nullo modo poterit oratio mea satisfacere vestrae scientiae. Etenim quod unquam in terris tantum flagitium, exstisste auditum est? tantam turpitudinem? tantum dedecus?

XXIV. (50) Vehebatur in essedo tribunus plebis: lictores lau-
reati antecedebant: inter quos, apertâ lecticâ, mima portabatur:
quam ex oppidis municipales, homines honesti, obviam necessariò
prodeuentes, non noto illo et mimico nomine, sed Volumniam con-
salutabant. (51) Sequebatur rheda cum lenonibus: comites ne-
quissimi: rejecta mater amicam impuri filii, tanquam nurum, se-
quebatur. O miserae mulieris foecunditatem calamitosam! Ho-
rum flagitorum iste vestigiis omnia municipia, praefecturas, eo-
lonias, totam denique Italiam impressit. Reliquorum factorum
ejus, P. C. difficilis est sanè reprehensio, et lubrica. Versatus in
bello est; saturavit se sanguine dissimillimorum sui civium: fuit
felix, si potest ulla esse in scelere felicitas. Sed quoniam vetera-
nis cautum esse volumus, quanquam dissimilis est militum causa,
et tua; illi secuti sunt, tu quaesisti ducem: tamen, ne apud illos
me in invidiam voees, nihil de belli genere dicam. (52) Victor è
Thessalia Brundusium cum legionibus revertisti: ibi me non oc-
cidisti: magnum beneficium; potuisse enim fateor: quanquam
nemo erat eorum, qui tum tecum fuerunt, qui mihi non censeret
parci oportere; tanta enim est caritas patriae, ut vestris etiam
legionibus sanctus essem, quod eam à me servatam esse meminis-
sent. Sed fac id te dedisse mihi, quod non ademisti; meque à te
habere vitam, quia à te non sit erepta: licuitne mihi per tuas
contumelias hoc beneficium sic tueri, ut tuebar, praesertim cum
te haec auditurum videres?

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(50) *Vehebatur in essedo tribunus plebis.* [The *essedum* was, properly, a sort of waggon, from which the Gauls and the Britons used to assail the Romans in their engagements with them.—It would appear from this passage, that the tribunes of the people, while they continued in their office, were not allowed to ride in a chariot, or any other vehicle. What Plutarch says, (*Quæst. Röm.* p. 81.) seems to favour this conjecture. His words are these: “Cum autem tribunus plebis e plebe sumpserit originem, in eo vis ejus est omnis, ut sit valde popularis, ejusque omnis amplitudo est, ut non major res spiritus sumat quam caeteri, sed ut habitu corporis et veste et visendi ratione similis cuiuscunque civium. Nam pompa consuli convenit et praetori: at verò tribunum plebis, ut aiebat C. Cu-

“rio, conculcari oportet, neque specie majestatem præferre, aut esse inacces-
“sum, et multitudini difficilem, sed ita super alios omnes eminere, ut tamen possit facile conveniri. Et eam ob rem neque illi domus januas claudere fas est, sed diu noctuque aperit; tanquam portus et pèrfugium indigentibus. Quo magis autem externa specie corporis abjectus est, eo magis potestate attollitur.”

(51) *Sequebatur rheda cum lenonibus.* Some commentators of very considerable learning are for reading *leonibus*, instead of *lenonibus*; they think that Cicero wanted to intimate what Pliny has left upon record, B. 8. chap. 16. His words are these: “Primus leones Romæ ad currum junxit M. Antonius, et quidem civili bello, cum dimicatum esset in Pharsalicis campis; non sine ostento

all; and what I now say, or am about to say, is much better known to those who were then in Italy, than to me who was not. Yet I shall take notice of each particular fact, though all I can say must fall short of what you know: for was ever so villanous, so base, so infamous a conduct heard of in this world.

SECT. XXIV. (A tribune of the people rode in a chariot: laurel'd lictors went before him; and an actress was carried about in an open sedan. As the inhabitants of the municipal towns, men of credit, were obliged to meet her on the road, they saluted her, not by her own and theatrical name, but by the name of Volumnia. A chariot, full of bawds, followed; his attendants were persons of the most infamous characters; the slighted mother followed the mistress of her abominable son, as if she had been her daughter-in-law: deplorable fruitfulness of an afflicted woman! Traces of his lewdness he left in all our municipal towns, prefectures, colonies; in a word, and in all Italy.) It is difficult and dangerous, conscript fathers, to point out his other detestable deeds. He became a military man, and glutted himself with the blood of citizens very unlike himself; he was fortunate too, if a guilty person can be said to be fortunate. But, as I must beware of reproaching his veterans, and lest he should stir up their hatred against me, I shall say nothing of the nature of the war: though, after all, the case of the soldiers is widely different from yours; they followed, you sought a leader. You returned victorious from Thessaly to Brundusium with the legions. There you did not kill me: a great favour, truly: for I confess you had it in your power: though there was not one of those that were with you, who did not think that you ought to spare me. For so great is the love⁵¹ of our country, that my person was sacred to your legions, because they remembered that by me their country had been preserved. But, granting that you gave me what you did not take away; and that I now enjoy life by your bounty, because you did not deprive me of it; have your reproaches permitted me to view this favour in the light I used to do, especially as you could not but see that you must hear of these things again?

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⁵¹ quodam temporum, generosos spiritus jugum subire illo prodigio significante. "Nam quod ita rectus est cum Mima Cytheride, supra monstra etiam illarum calamitatum fuit." We cannot help, however, agreeing with Ferrarius, who says, that if *leonibus* were the true reading, Cicero would not have barely mentioned so extraordinary a circumstance,

but would have dwelt longer upon it, agreeable to his usual manner.

(52) *Victor e Thessalia Brundusium cum legionibus revertisti.*] After the battle of Pharsalia, Caesar sent back a great part of his army into Italy, under the command of Antony, and pursued Pompey with the remainder of his forces.

XXV. Venisti Brundusium, in sinum quidem et in complexum tuae mimulae: quid est? num mentior? quām miserum est id negare non posse, quod sit turpissimum confiteri! si te municipiorum non pudebat; ne veterani quidem exercitūs; quis enim miles fuit, qui Brundusii illam non viderit? quis, qui nescierit, (53) venisse eam tibi tot dierum viam gratulatum? quis, qui non indoluerit, tam serò se, quām nequam hominem secutus esset, cognoscere? Italiae rursus percursatio, èdem comite mimâ: in oppida militum crudelis et misera deductio: in urbe auri, argenti, maximèque vini, foeda direptio. Accessit, ut Caesare ignaro, cùm esset ille Alexandriae, (54) beneficio amicorum ejus magister equitum constitueretur: tum existimavit se suo jure cum Hippia vivere, et equos vectigales Sergio mimo tradere; tum sibi non hanc, quam nunc malè tuetur, sed M. Pisonis domum, ubi habitet, legerat. Quid ego istius decreta, quid rapinas, quid haereditatum possessiones datas, quid ereptas proferam? cogebat egestas; quò se verteret, non habebat: nondum ei tanta à L. Rubrio, non à L. Turselio haereditas venerat: nondum in Cn. Pompeii locum, multorumque aliorum, qui aberant, repentinus haeres successerat: erat ei vivendum latronum ritu, ut tantum haberet, quantum rapere potuisset. Sed haec, quae robustioris improbitatis sunt, omittamus: loquamur potius de nequissimo genere levitatis. Tu istis faucibus, istis lateribus, istâ gladiatoriâ totius corporis firmitate, tantum vini in Hippiae nuptiis exhauseras, ut tibi necesse esset in populi Rom. conspectu vomere postridie. O rem non modò visu foedam, sed etiam auditu! Si inter coenam, in ipsis tuis immanibus illis poculis, hoc tibi accidisset, quis non turpe duceret? in coetu vero populi Romani, negotium publicum gerens, magister equitum, cui ructare turpe esset, (55) is vomens, frustis esculentis, vinum redolentibus, gremium suum et totum tribunal implevit. Sed hoc ipse fatetur esse in suis sordibus: veniamus ad splendida.

XXVI. Caesar Alexandriâ se recepit, felix, ut sibi quidem videbatur; meâ autem sententiâ, qui reipublicae sit infelix, felix

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(53) *Venisse eam tibi tot dierum viam gratulatum.*] Lipsius tells us, that Brundusium was 350 miles from Rome; so that at the rate of travelling five-and-twenty miles a-day, Cytheris must have been fourteen days on her journey. Horace, in the account he gives of his journey from Rome to Brundusium, in the first book of his Satires, intimates that it took up fifteen days.

(54) *Beneficio amicorum ejus magister equitum constitueretur.*] When the news

of the battle of Pharsalia, and of Pompey's death, reached Rome, Caesar was declared dictator the second time in his absence, and Antony his master of the horse; which Cicero here intimates was owing to Antony's friends, and that Caesar knew nothing of the matter. But Plutarch gives a different account of the affair. See his life of Antony.

(55) *Is vomens, frustis esculentis.*] Rollin, in his *Belles Lettres*, observes, that there is a delicacy in the Latin, which

SECT. XXV. You came to Brundusium, to the very bosom and embraces of your little actress. How! do not I speak truth? How wretched it is not to be able to deny what it is shameful to confess! If you were not ashamed to expose yourself thus to the municipal towns, were you not ashamed to expose yourself to your veteran army? for what soldier was there, who did not see her at Brundusium; who, that was ignorant of her coming so many days journey, to give you joy? who, that was not sorry he perceived so late what an infamous wretch he followed? You made a second tour of Italy, accompanied by the same actress: cruel and miserable was the quartering your soldiers upon the towns; scandalous the plunder of gold and silver, but chiefly of wine in the city. To this was added, that without the knowledge of Caesar, who was at Alexandria, Antony, by the favour of his friends, was appointed master of the horse. Then he thought he had a right to live publicly with Hippias, and to deliver the tributary horses to Sergius the player. He then chose the house of M. Piso, and not that which he now scandalously possesses. Why should I publish his decrees, his rapaciousness, the estates he bestowed, and those which he violently seized? Poverty compelled him to it; to what hand to turn himself he knew not. He was not as yet in possession of the large estate left him by L. Rubrius, and that left him by L. Turselius; he had not as yet become all of a sudden the heir of Pompey, and a great many others who were absent. He was then obliged to live after the manner of robbers, having just as much as he could get by plunder. But let us pass over the instances of his enormous wickedness, and proceed rather to his infamous levity. At the marriage of Hippias, you gorged yourself so with wine, that notwithstanding that throat, those sides, and that Herculean body of yours, you were obliged the next day to vomit it up in the sight of the people of Rome: an abomination! the sight or mention of which must create abhorrence. Had you done this at supper, amidst your excessive drinking, who would not have thought it scandalous? but in an assembly of the Roman people, the master of the horse, in whom it would have been thought beastly even to belch, vomited, when transacting public affairs, and filled his own bosom, and the whole tribunal, with indigested morsels, smelling rank of wine. But this he confesses to be one of his blemishes; let us now proceed to the shining parts of his character.

SECT. XXVI. Caesar left Alexandria, happy in his own opinion; but, in mine, he who renders his country unhappy, must be

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would not admit of a translation of this passage; and indeed the painting is so strong, and the ideas so indelicate, that in any language it must offend the reader.

esse non potest: (56) hasta posita (57) pro aede Jovis Statoris, bona Cn. Pompeii (miserum me! consumptis enim lacrymis, tamen infixus animo haeret dolor), bona, inquam, Pompeii Magni, voci acerbissimae subjecta praeconis: una in illa re servitutis oblita civitas ingemuit; servientibusque animis, cum omnia metu tenerentur, gemitus tamen populi Romani liber fuit: exspectantibus omnibus, quisnam esset tam impius, tam demens, tam diis, hominibusque hostis, qui ad illud scelus sectionis auderet accedere, inventus est nemo, praeter Antonium: praesertim cum tot essent circum hastam illam, qui alia omnia auderent; unus inventus est, qui id auderet, quod omnium fugisset et reformidasset audacia. Tantus igitur te stupor oppressit, vel, ut verius dicam, tantus furor, ut primum, cum sector sis isto loco natus, deinde cum Pompeii sector, non te exsecrandum populo Romano, non detestabilem, non omnes tibi deos, omnes homines, et esse inimicos, et futuros scias? At quam insolenter statim helluo invasit in ejus viri fortunas, cuius virtute terribilior erat populus Romanus exteris gentibus, justitiâ carior!

XXVII. In ejus igitur viri copias cum se subito ingurgitavisset, exultabat gaudio, persona de mimo, modò egens, repente dives. Sed, ut est apud poëtam hescio quem, *Malè parta, male dilabuntur*: incredibile ac simile portenti est, quonam modo illa tam multa, quam paucis, non dico mensibus, sed diebus effuderit: maximus vi- ni numerus fuit, permagnum optimi pondus argenti, pretiosa vestis multa, et lauta supellex, et magnifica multis locis, non illa quidem luxuriosi hominis, sed tamen abundantis: horum paucis diebus nihil erat. Quae Charybdis tam vorax? Charybdim dico? (58) quae si fuit, fuit animal unum: oceanus, mediis fidius, vix videtur tot res, tam dissipatas, tam distantibus in locis positas, tam citò absorbere potuisse. Nihil erat clausum, nihil obsignatum, nihil

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(56) *Hasta posita.*] In all public auctions, a spear was set up in the place of sale. As it was the common badge and ensign of power among the ancients, Graevius thinks this was done to signify that they were made by a lawful commission.

(57) *Pro aede Jovis Statoris.*] This temple was built by Romulus, upon the following occasion: The Sabines, in one of their engagements with the Romans, had taken possession of the Capitoline hill; and rolling great stones from the top of it, one of them hit Romulus upon the head, and stunned him; so that falling down senseless, he was carried out of the field into the city. Upon this the Romans were put to flight, and pursued to the very gates of Rome. Romulus, however, recovering his senses, rallied his troops, put himself again at their

head, and drove back the enemy. We are told, that in the most critical minute of the day, when the Romans were flying before the enemy, Romulus made a vow to Jupiter, in order to obtain his favour for the speedy rallying of his troops; and that, as fortune would have it, they stopped at the sight of their general, upon his return to the field of battle. Out of a belief, therefore, that this was a particular blessing of heaven, he erected a temple to Jupiter, whom he called *Stator*; because the Romans, recovering from their fright, made a stand and faced the enemy.

(58) *Quae si fuit, fuit animal unum.*] Charybdis is a dangerous whirlpool in the straits of Sicily, near the coast of Taurominium, on the eastern side of Demona, over against Scylla, a fatal rock. Hence the proverb, *Incidit in Scyllam,*

miserable. At a public auction, before the temple of Jupiter Stator, the goods of Pompey (oh wretched me! my tears are indeed exhausted, but my heart is penetrated with grief), the goods, I say, of Pompey the Great, were put up by the doleful voice of a public crier. In this single instance did the city groan, forgetting her slavery; and though all were possessed by fear, yet the groans of the Roman people found a free passage even from enthralled bosoms. While all were filled with expectation to see who would be so impious, so frantic, so great an enemy to gods and men, as to dare to bid at this villainous sale, no one was found to have assurance enough, but Antony: which was the more remarkable, as there were so many then present who had assurance enough to do any thing else; there was only one person who durst venture upon what the most consummate impudence would have startled at. Did such stupidity, then, or, to speak more properly, such madness possess you, as not to know that being descended of such a family, by becoming a bidder in that place, and a bidder too for Pompey's goods, you rendered yourself odious and detestable to the Roman people, and incurred not only the present but the future resentment both of gods and men? But how insolently that voracious monster seized upon the goods of that man, whose courage rendered the Romans formidable, and whose justice made them dear, to foreign nations!

SECT. XXVII. Having then, all of a sudden, immersed himself in the wealth of this great man, he was transported with joy; like the character in the play, he was poor this instant, and rich the next. But, as a certain poet expresses it, I forget who, *what slightly comes, slightly goes*: it is incredible, it is amazing, how he could possibly squander such immense wealth, I will not say in so few months, but days: prodigious was the quantity of wine, prodigious that of massy plate; a rich wardrobe; great variety of elegant and noble furniture, such as bespoke not luxury, but plenty; yet all was dissipated in a few days. What Charybdis so voracious? Charybdis do I say? if there ever was such a monster, she was only a single one: the ocean itself, by heavens! seems scarce capable of swallowing up so much wealth, so widely scattered, and situated in so many distant places, in so short a space of time. There was nothing shut up, nothing sealed, nothing committed to

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cupiens vitare Charybdim; it being very hard for passengers to avoid the one or other of them. They are represented by the poets, as hideous devouring monsters. Charybdis is given out to have been a rapacious whore, who, having taken away Hercules's oxen, was thunderstruck by Jupiter, and thrown into the

sea, where she was transformed into a devouring whirlpool. Virgil, in the third book of the Aeneid, v. 424, gives us the fabulous description of Scylla: She was the daughter of Phorcus, whom Circe is said to have transformed into a monster, because she was her rival.

scriptum : apothecae totae nequissimis hominibus condonabantur : alia mimi rapiebant, alia minnae : domus erat aleatoribus referta, plena ebriorum : totos dies potabatur, atque id locis pluribus : suggerabantur etiam saepe (non enim semper ipse felix) damma aleatoria : conchyliatis Cn. Pompeii peristromatis servorum in cellis lectos stratos videres. Quamobrem desinire mirari, haec tam celeriter esse consumpta ; non modò unius patrimonium, quamvis amplum, ut illud fuit, sed urbes et regna celeriter tanta nequitia devorare potuisset. At ejusdem aedes etiam et hortos. O audaciam immanem ! tu etiam ingredi illam domum ausus es ? tu illud sanctissimum limen intrare ? tu illarum aedium diis penatibus os impertunissimum ostendere ? Quam domum aliquamdiu nemo aspicere poterat, nemo sine lacrymis practerire, hac te in domo tamdiu diversari non pudet ? in qua, quamvis nihil sapias, tamen nihil tibi potest esse jucundum.

XXVIII. An tu, illo in vestibulo, (59) rostra, spolia cùm adspexisti, dōnum tuam te introire putas ? fieri non potest : quamvis enim sine mente, sine sensu sis, ut es ; tamen et te, et tua, et tuos nōsti ; nec verò te unquam neque vigilantem, neque in somnis, credo, mente posse consistere. Necesse est, quamvis sis, ut es, violentus et furens, cùm tibi objecta sit species singularis viri, perterritum te de somno excitari, furere etiam saepe vigilantem. Me quidem miseret parietum ipsorum, atque tectorum : quid enim unquam domus illa viderat, nisi pudicum, nisi ex optimo more et sanctissimā disciplinā ? fuit enim ille vir, P. C. sicut scitis, (60) cùm foris clarus, tum domi admirandus ; neque rebus externis magis laudandus, quam institutis domesticis : hujus in aedibus pro cubiculis stabula, pro tricliniis popinae sunt : etsi jam negat ; nolite, nolite quaerere ; frugi factus est ; mimam illam suam suas res sibi habere jussit, ex duodecim tabulis ; claves admittit, forasque exegit : quam porrò spectatus civis, quam probatus ; cuius ex omni vita nihil est honestius, quam quòd cum minima

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(59) *Rostra, spolia cùm adspexisti.*] The Romans, it would appear, had a great pride in ornamenting their porches and the avenues to their houses. Pompey, having been successful in the war against the pirates, had his ornamented with naval spoils.

(60) *Cum foris clarus, tum domi admirandus, &c.*] In Cicero's writings, we sometimes find Pompey's character heightened by the shining colours of eloquence, sometimes depressed by the darker strokes of resentment : but his true character seems to have been that of an honest, grave, and worthy man, as our orator represents him in a letter to Atticus. He had early acquired the surname of

the great, by that sort of merit, which, from the constitution of the Roman republic, necessarily made him *great* ; a fame and *success* in war, superior to what Rome had ever known, in the most celebrated of her generals. He had triumphed at three several times over the three different parts of the known world, Europe, Asia, Africa ; and, by his victories, had almost doubled the extent, as well as the revenues of the Roman dominion ; for, as he declared to the people on his return from the Mithridatic war, *he found the Lesser Asia the boundary, but left it the middle of the empire*. What leisure he found from his wars, he employed in the study of polite letters, and

writing. Whole cellars of wine were lavished upon the most infamous wretches; some things became the plunder of actors, some of actresses; the house swarmed with gamblers and drunkards; whole days were consumed in revelling, and that in different places: to these things were frequently added, great losses at gaming; for Antony himself was not always lucky. There you might have seen the beds of slaves covered with Pompey's purple quilts of rich tapestry. Cease then to wonder, that all these things were so soon dissipated. Such wild profusion must quickly have consumed not only the wealth of one man, how great soever, but whole cities and kingdoms. Even his houses and gardens did this man swallow up. Consummate impudence! And had you the assurance to enter that house? to cross that sacred threshold? to present your dauntless front before the household gods of that family? Was you not ashamed to dwell so long in a house which none for a long time could behold, none could pass by, without shedding tears? a house in which, senseless as you are, not one single thing could afford you pleasure.

SECT. XXVIII. Did you imagine you was entering your own house, when you beheld the beaks of ships and other naval spoils that adorned its porch? It is impossible: for, senseless and inconsiderate as you are, yet still you know your friends, yourself, and what belongs to you. Nor indeed do I think it possible that you could, either awake or asleep, enjoy any tranquillity of mind: for, violent and frantic as you are, when the form of that extraordinary man presented itself to your imagination, you must have been roused out of your sleep with horror, and even have been often seized with frenzy when awake. As for me, I really pity its very walls and roofs; for, what did that house ever behold but the greatest modesty, purity, and sanctity of manners? for Pompey, conscript father^s, as you very well know, was both eminent abroad, and to be admired at home; nor more to be commended for his public conduct, than for his domestic discipline: yet under his roofs are brothels now instead of bed-chambers, and tippling-shops instead of dining-rooms. But Antony denies all this. Give over, give over making any inquiry; he has now become frugal; he has divorced his actress, according to the laws of the twelve tables; he has taken away his keys from her, and turned her out of doors. How excellent, how worthy a citizen, the most commendable action of whose whole life is his divorcing an actress! But how often

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especially of eloquence; in which he would have acquired great fame, if his genius had not drawn him to the more dazzling glory of arms: yet he pleaded several causes with applause, in the defence of his friends and clients; and some

of them in conjunction with Cicero. His language is said to have been copious and elevated; his sentiments just; his voice sweet; his action noble, and full of dignity.

fecit divertium? At quām crebrò usurpat, et consul, et Antonius? hoc est dicere, et consul et impudicissimus; et consul et homo nequissimus: quid enim est aliud Antonius? nam si dignitas significaretur in nomine, dixisset aliquando, credo, avus tuus, et consul, et Antonius; nunquam dixit: dixisset etiam collega meus, patruus tuus: nisi tu solus es Antonius. Sed omitto ea peccata, quae non sunt earum partium propria, quibus tu rempublicam vexavisti: ad ipsas tuas partes redeo, id est, ad civile bellum: quod natum, conflatum, susceptum operâ tuâ est.

XXIX. Cui bello cùm propter timiditatem tuam, tum propter libidines defuisti: gustâras civilem sanguinem, vel potiùs exsorberas: fueras in acie Pharsalica antesignanus: L. Domitium, nobilissimum et clarissimum virum, occideras: multos, qui è praetorio effugerant, quos Caesar, ut nonnullos, fortassè servâsset, crudelissimè persecutus trucidâras. Quibus rebus tantis, talibus gestis, quid fuit causae, cur in Africam Caesarem non sequerere, cùm praesertim belli pars tanta restaret? Itaque quem locum ad ipsum Caesarem, post ejus ex Africa redditum, obtinuisti? quo numero fuisti? cuius tu imperatoris quaestor fueras, dictatoris magister equitum, belli princeps, crudelitatis auctor, praedae socius, testamento, ut ipse dicebas, filius, (61) appellatus es de pecunia, quam pro domo, pro hortis, pro sectione debebas: primo respondisti plane ferociter; et (ne omnia videar contra te) propemodum aequa et justa dicebas. A me C. Caesar pecuniam? cur potiùs, quām ego ab illo? an ille sine me vicit? at ne potuit quidem: ego ad illum bellum civilis causam attuli; ego leges perniciose rogavi; ego arma contra consules imperatoresque populi Romani, contra senatum populumque Romanum, contra deos patrios, arasque et focos, contra patriam tuli: num sibi soli vicit? quorum facinus est commune, cur non sit eorum praeda communis? Jus postulabas: sed quid ad rem? plus ille poterat. Itaque exclusis tuis vocibus, et ad te, et ad praedes tuos milites misit: cùm, repente à te paeclara illa tabula prolata, qui risus hominum? tantam esse tabulam, tam varias, tam multas possessiones, ex quibus, praeter partem Miseni, nihil erat, quod is, qui auctionaretur, posset suum dicere. Auctionis verò miserabilis adspectus, vestis Pom-

NOTES.

(61) *Appellatus es de pecunia, quam pro domo, &c.]* Antony bought Pompey's houses in Rome, and the neighbourhood, with all their rich furniture, at Caesar's auction; but trusting to his interest with Caesar, and to the part which he had borne in advancing him to his power, never dreamt of being obliged to pay for them: but Caesar, disgusted with his debaucheries and extravagance, resolved to shew himself the sole master,

nor suffer any contradiction to his will; accordingly he gave peremptory orders to L. Plancus, the praetor, to require immediate payment of Antony, or else to levy the money upon his sureties, according to the tenor of their bond. This provoked Antony to such a degree, that in the height of his resentment, he is said to have entered into a design of taking away Caesar's life, of which Caesar himself complained openly in the senate.

does he talk of his being both *consul* and *Antony*? that is to say, both *Antony*, and the vilest fellow breathing; both *Antony*, and the greatest villain on earth. For what else is meant by *Antony*? If any dignity were implied in the name, your grandfather, I suppose, would sometimes have styled himself both *consul* and *Antony*. Yet he never did: my colleague, your uncle, would have done the same, unless you are the only person of the name of *Antony*. But I pass over those faults which are not peculiar to that character in which you have harassed your country: let me return to that scene in which you was a principal actor; I mean the civil war, which was begun, contrived, and undertaken by your means.

SECT. XXIX. Your cowardice and your lust rendered you unequal to this war. You had tasted, or rather swallowed down the blood of your countrymen: in the battle of Pharsalia, you led the van; you had murdered L. Domitius, a man of the greatest quality and renown; numbers that had escaped out of the battle, whom Caesar, as he did some others, would perhaps have saved, you had butchered, after pursuing them with the utmost cruelty. After which great and glorious exploits, why did you not follow Caesar into Africa, especially as so great a part of the war still remained? In what favour ~~were~~ you with Caesar, after his return from Africa? In what rank? When general, you had been his quaestor; when dictator, his master of the horse: you had been the manager of the war, the adviser of his cruelty, the partaker of the plunder, and by his will, as you yourself owned, named his heir. But you ~~were~~ asked for the money you owed for the house, for the gardens, and for the rest of the purchase. At first you answered with downright fierceness; and that I may not always seem against you, what you said was almost just and equitable: Caesar ask money of me! why more than I should of him? Has he conquered without me? that he could never have done. It was I who gave him a pretext for the civil war, I who passed pernicious laws, I who took up arms against the consuls and generals of the Roman people, against the senate and people of Rome, against our country gods, against our religion and property, and against our very country. Did he conquer for himself only? if the guilt is common, why should not the booty be common too? — You demanded only what was reasonable; but what did that signify, while he was more powerful? Turning a deaf ear then to your speeches, he dispatched his soldiers to you and your sureties; and when you produced that famous inventory all of a sudden, what laughter did it occasion, that there should be so long a list of so many different estates, and yet not a single article, excepting a part of Misenus, that the seller could call his own? But wretched was the appearance that sale made; a few of Pompey's

peii non multa, eaque maculosa: ejusdem quaedam argentea vasa collisa: sordidata mancipia: ut doloremus, quidquam esse ex illis reliquiis, quod videre possemus. Hanc tamen auctionem haeredes L. Rubri decreto Caesaris prohibuerunt. Haerebat nebulo: quò se verteret non habebat. Quin his ipsis temporibus domi Caesaris percussor ab isto missus, deprehensus dicebatur esse cum sica; de quo Caesar in senatu, apertè in te invehens, questus est. Proficiscitur in Hispaniam Caesar, paucis tibi ad solvendum, propter inopiam tuam, prorogatis diebus; ne tum quidem sequeris: (62) tam bonus gladiator, rudem tam citò accepisti?

XXX. Hunc igitur quisquam, qui in suis partibus, id est, in suis fortunis, tam timidus fuerit, pertimescat? Profectus est tandem aliquando in Hispaniam: sed tutò, ut ait, pervenire non potuit; quonam modo igitur Dolabella pervenit? aut non suscipienda fuit ista causa, Antoni; aut, cùm suscepisses, defendenda usque ad extremum. Ter depugnavit Caesar cum civibus; in Thessalia, Africa, Hispania: omnibus affuit his pugnis Dolabella; in Hispaniensi etiam vulnus accepit: si de meo judicio quaeris, nollem; sed tamen consilium à principio reprehendendum, laudanda constantia. Tu verò qui es? Cn. Pompeii liberi primùm patriam repetebant: esto; fuerit partium haec causa communis: repetebant praeterea deos patrios, aras, focos, larem suum familiarem, in quae tu invaseras. Hacc cùm repeterent armis ii, quorum erant legibus: (etsi in rebus iniquissimis quid potest esse aequi?) tamen erat aequissimum, contra Cn. Pompeii liberos Cn. Pompeii pugnare sectorem. An tu Narbone mensas hospitum convomeres, Dolabella pro te in Hispania dimicaret? Qui verò Narbone redditus? et tamen quaerebat, cur ego ex ipso cursu tam subitò revertissem. Exposui nuper, P. C. causam redditū mei; volui, si possem, etiam ante kalendas Januarias prodesse reipublicae: nam quod quaerebas quomodo redissem? primùm luce, non te-nebris; deinde cum calceis et toga, (63) nullis nee gallicis, nec

NOTES.

(62) *Tam bonus gladiator rudem tam citò accepisti?* When the gladiators ended their combats, the victors had several marks of favour conferred upon them. The most common rewards were the *pileus* and the *rudis*: the former was given only to such gladiators as were slaves, for a token of their obtaining freedom. The *rudis*, which was a kind of rod or wand, seems to have been bestowed both on slaves and freemen; but with this difference, that it procured for the former no more than a discharge from any further performance in public; upon which they commonly turned *lanistae*, spending their time in training up young fencers.

But the *rudis*, when given to such persons as, being free, had hired themselves out for these shews, restored them to a full enjoyment of their liberty. Both these sorts of *rudarii*, being excused from farther service, hung up their arms in the temple of Hercules, the patron of their profession, and were never called out again without their consent. Horace has given us a full account of this custom, in his first epistle to Maecenas:

*Prima dicta mihi, summa dicende Camaena,
Spectulum satis et donatum jam rude, quae-
ris,* [tudo.
Maecenas, iterum antiquo me includere

clothes, and those few soiled; some of his silver plate, all battered together; some of his slaves, all in rags; so that we lamented there was any thing of his left us for to behold. The heirs of L. Rubrius, however, by an order of Caesar, forbid this sale. The knave was now at a nonplus; whither to turn himself he knew not. At that very time an assassin, sent by this very man to Caesar's house, was apprehended with a dagger about him; of which Caesar, inveighing openly against you in the senate, complained. Caesar went to Spain, having, on account of your poverty, allowed you a few days to make up your payment. You did not even then follow him. Though so good a gladiator, did you receive your discharge so soon?

SECT. XXX. Need any one then be afraid of this man, who is so very timorous in the parts he acts, that is, in making his own fortune? At last, however, to Spain he went; but, he says, it was with danger that he went. How then did Dolabella contrive to go? You either ought not to have espoused that cause, Antony, or, having espoused it, ought to have defended it to the last. Thrice did Caesar fight with his countrymen in Thessaly, Africa, and Spain. In all these battles Dolabella was present; and in Spain he even received a wound. If you ask my sentiments, I approve not of his conduct; but yet, the principles on which he acts are only to be condemned, his constancy deserves commendation. But who are you? Pompey's children first demanded to be restored to their country. Well, be it so; this we grant was a cause common to you with others. They likewise demanded the restitution of their gods, their altars, their property, and family estate which you had seized. As these things were demanded by force of arms, by those who had a right to them by law, though in such violent proceedings there can be no justice); yet still it was very justifiable for the intruder upon Pompey's estate to fight against Pompey's heirs. Was not you vomiting amidst your riotous feasts at Narbonne, while Dolabella was fighting for you in Spain? But how did you return from Narbonne? Yet Antony asks why I returned so suddenly from my tour. I have lately explained to you, conscript fathers, the reason of my return: I was willing to have done some service to my country, if possible, before the first of January. But as to the question, how I returned? I answer, in the first place, by day, and not by night; in the next place, with a gown and shoes, without either pattens or a short

NOTES.

*Non eadem est actas, non mens. Vgafius,
armis
Herculis ad postem fixis, latet abditus agro:
Ne populum extrema tollit exoret arena.*

(63) *Nullis nec gallicis nec lacerna.]*
The *gallica*, according to Menutius, was a kind of shoe which the soldiers wore in the camp: the *lacerna*, too, which was a

lacerna. At etiam adspicis me, et quidem, ut videris, iratus: nae-
tu jam mecum in gratiam redeas, si scias, quām me pudeat nequi-
tiae tuae, cuius te ipsum non pudet. Ex omnibus omnium flagi-
tiis nullum turpius vidi, nullum audivi; qui magister equitum
fuisse tibi viderere, in proximum annum consulatum peteres, vel
potius rogares, per municipia, coloniasque Galliac, à qua nos tum,
cūm consulatus petebatur, non rogabatur, petere consulatum so-
lebamus, cum gallicis et lacernâ cucurristi.

XXXI. At videte levitatem hominis. Cūm horâ diei decimâ
ferè (64) ad Saxa Rubra venisset, delituit in quadam cauponula,
atque ibi se occultans, perpotavit ad vesperum: inde cisio celeri-
ter ad urbem advectus, domum venit capite involuto. Janitor,
quis tu? A Marco tabellarius. Confestim ad eam, cujus causâ
venerat, ~~deductus~~, eique epistolam tradit: quam cūm illa legeret
flens (erat enim amatoriè scripta: caput autem literarum, sibi cum
illa mima posthac nihil futurum; omnem se amorem abjecisse il-
linc, atque in hanc transfudisse), cūm mulier fleret uberiùs, homo
misericors ferre non potuit; caput aperuit; in collum invasit. O
hominem nequam! (quid enim aliud dicam? magis propriè nihil
possum dicere:) ergo ut te catamitum, nec opinatò cūm ostendissem,
praeter spem mulier aspicaret, (65) idcirco urbem terrore
nocturno, Italiam multorum dierum metu perturbâsti? et domi
quidem causam amoris habuisti, foris etiam turpiorem, (66) ne L.
Plancus praedes tuos venderet: productus autem in concionem à
tribuno plebis, cūm respondisses, (67) te rei tuae causâ venisse,
populum in te dicacem etiam reddidisti.

XXXII. Sed nimis multa de nugis; ad majora veniamus. Cae-
sari ex Hispania redeunti obviam longissimè processisti: celeriter
istì, et redisti, ut cognosceret, te, si minùs fortem, attamen stren-
uum: factus es ei rursus nescio quomodo familiaris: habebat hoc
omnino Caesar: quem planè perditum aere alieno egentemque,

NOTES.

kind of short frock, was first used in the camp, though afterwards admitted into the city, and worn upon their gowns, to defend them from the weather. Cicero is very severe upon Antony, not for travelling in this military dress, but for entering the city, and appearing as a candidate for the consulship in it.

(64) *Ad Saxa Rubra venisset.*] This was a small village, situated between Rome and Veii, in the Cassian way. See *Livy, B. 2, c. 49.*

(65) *Idcirco urbem terrore nocturno.*] During Caesar's stay in Spain, Antony set forward from Italy, to pay his com-

pliments to him there, or to meet him at least on the road in his return towards home: but when he had made about half of the journey, he met with some dispatches, which obliged him to turn back in all haste to Rome. This raised a new alarm in the city, and especially among the Pompeians, who were afraid that Caesar, having now subdued all opposition, was resolved, after the manner of the former conquerors, to take his revenge in cool blood, on all his adversaries; and had sent Antony back, as the properest instrument to execute some orders of that sort.

cloak. But you look upon me with an angry eye, methinks. Surely you would be glad to be friends with me, if you knew how much ashamed I am of your infamous behaviour, of which you yourself are not in the least ashamed. Of all the scandalous actions among men, never did I see, never did I hear of any that surpassed this; that you, who looked upon yourself as master of the horse, who next year intended suing for, or rather demanding the consulship, should post through all the municipal towns and colonies of Gaul, in which we used to solicit for the consulship, while it was solicited, and not demanded, in pattens and a short cloak.

SECT. XXXI. But observe the levity of the man. Having come to the *Red Rocks* about the tenth hour of the day, he slunk into a tippling shop, and, concealing himself there, drank hard till night: then driving to the city in his chaise, as fast as he could, he came to his own house all muffled up. Who are you? says the porter: a letter-carrier from Marcus, replies the other. Upon this he is immediately introduced to the lady on whose account he came, and gives her a letter, which she reads with tears, for it was indeed very tenderly written. The substance of it was, that he would have nothing more to say to the actress; that he had laid aside all affection for her, and transferred it to his dear Fulvia. She continued shedding tears very plentifully: the tender hearted man could no longer support it: he unmuffled his head, and flew to her arms. Infamous man! for what else can I call you? a more proper epithet I cannot find out. Was it then that a woman might unexpectedly, by your suddenly discovering yourself, see a catamite, that you filled the city with nocturnal alarms, and all Italy with terror for many days? At your own house, indeed, you might allege, that love was the cause of your coming; but abroad, there was a more scandalous reason, and it was this, lest L. Plancus should distress your sureties. But, upon being brought into the assembly by the tribune of the people, when you answered that you were come on account of your private affairs, you became the jest even of the populace.

SECT. XXXII. But we have dwelt too long upon trifles: let us now proceed to things of greater importance. When Caesar was returning from Spain, you ~~were~~ the most forward of all others in meeting him; you went and returned very expeditiously, to let him see, that if you ~~were~~ not brave, you ~~were~~ at least active. By some means or other, you got again into his good graces. But

NOTES.

(66) *Ne L. Plancus.*] This L. Plancus was brother to Manutius Plancus, an intimate friend of Cicero's, and to whom several of his letters are addressed.

(67) *Te rei tuae causâ venisse.*] There is a *double entendre* in the words *rei tuae*, which may either refer to his estate, or to his hosts. This excited the mirth of the populace.

si cundem néquam hominem audacemque cognoverat, hunc in familiaritatem libentissimè recipiebat. His igitur rebus paeclarè commendatus, jussus es renuntiari consul, et quidem eum ipso: nihil queror de Dolabella, qui tum est impulsus, inductus, elusus. Qua in re quanta fuerit utriusque vestrum perfidia in Dolabellam, quis ignorat? ille induxit, ut peteret: promissum et receptum intervertit, ad seque transtulit: tu ejus perfidiae voluntatem tuam adscripsisti. Veniunt kalendae Januariae: cogimur in senatum: (68) *Invectus est copiosius multò in istum et paratiū Dolabella, quā nunc ego.* Hic autem iratus quae dixit, dii boni: cùm primum Caesar ostendisset, se, prius quā proficeretur, Dolabellam consulem esse jussurum; quem negant regem, qui et faceret semper ejusmodi aliquid, et diceret: sed cùm Caesar ita dixisset, tum hic bonus augur eo se sacerdotio praeditum esse dixit, ut comitia auspiciis vel impedire, vel vitiare posset; idque se facturum esse asseveravit. In quo primum incredibilem stupiditatem hominis cognoscite. Quid enim? isthuc, quod te sacerdotii jure facere posse dixisti, si augur non es, et consul es, minus facere potuisses? vide ne etiam facilius: (69) nos enim nuntiationem solū habemus; consules et reliqui magistratus etiam spectionem. Esto: hoc imperite; nec enim est ab homine nunquam sobrio postulanda prudentia: sed videte impudentiam: multis ante mensibus in senatu dixit, se Dolabellae comitia aut prohibitum auspiciis, aut id facturum esse, quod fecit: quisquamne divinare potest, quid vitii in auspiciis futurum sit, (70) nisi qui de coelo servare constituit? quod neque licet comitiis per leges; et, si quis servavit,

NOTES.

(68) *Invectus est copiosius multò in istum et paratiū Dolabella, quā nunc ego.*] Caesar had promised the consulship to Dolabella; but, contrary to expectation, took it to himself. This was contrived by Antony, who, jealous of Dolabella as a rival in Caesar's favour, was constantly suggesting somewhat to his disadvantage, and labouring to create a diffidence of him in Caesar. Dolabella was sensibly touched with the affront, and came full of indignation to the senate, where, not daring to vent his spleen on Caesar, he entertained the assembly with a severe speech against Antony, which drew on many warm and angry words between them; till Caesar, to end the dispute, promised to resign the consulship to Dolabella, before he went to the Parthian war: But Antony protested, that, by his authority as augur, he would disturb that election whenever it should be attempted.

(69) *Nos enim nuntiationem solū habemus; consules et reliqui magistratus etiam spectionem.*] For the illustration of this passage, we shall insert Ferratius's

note upon it.—“ Ex Numae regis insti-
“ tuto,” says he, “ jus nuntiandi augures
“ obtinebant, ut si quid vitii advertissent,
“ comitia prohibere, ne fierent, et jam
“ facta turbare nuntiando possent; idem-
“ que legibus 12 tabularum cautum est:
“ Quaeque augur injusta, nefasta, vitiosa,
“ diravè dixerit; irrita, infectaque sunto.
“ Civilibet igitur magistratui auspicanti,
“ antequam cum populo ageret, aderat
“ augur, eique in auspicio esse dicebatur,
“ quo auctore, secundumne, an aduersum
“ esset augurium, intelligebat magistra-
“ tus ille, qui comitia populi edixerat.
“ Auguribus autem aliquid nuntiantibus
“ parebatur, etiamsi nihil vidissent, et
“ falsa nuntiarent. Magistratis data
“ erat per leges facultas servandi de coe-
“ lo, et obnuntiandi, cautumque ne lice-
“ ret agere cum populo, quo die de coe-
“ lo servatum esset. Quamobrem pote-
“ rant impedire ne habereptur comitia,
“ aut ageretur cum populo, et facere dies
“ nefastos, obnuntiando se illis diebus de
“ coelo esse servatores. Itaque augures
“ poterant impedire ne haberentur comi-

this was Caesar's true character, if he knew a man in indigent circumstances, and overwhelmed with debt, if he was at the same time an infamous and enterprising fellow, he readily received him into his friendship. Having these qualifications then to recommend you, he ordered you to be returned consul, even along with himself. I do not complain that Dolabella, who was then encouraged to stand for it, was persuaded and deluded. How perfidius the behaviour of you both was to Dolabella in that affair, can be a secret to none. Caesar prompted him to sue for it; but appropriated and transferred to himself what was thus promised and accepted of; and you concurred in this piece of treachery. The first of January comes: we are forced into the senate-house; Dolabella inveighed much more copiously and severely against this fellow, than I do now. But when he grew angry, good gods! what did he not say? when Caesar first of all declared, that before he set out, he would give orders that Dolabella should be consul; yet they deny this man to have been a king, though he always talked and acted in this manner: but when Caesar said so, this worthy augur told us, that being invested with the priesthood, he had power, by his auspices, of stopping or rendering void the elections, and he declared solemnly that he would exert this power. Now observe here, in the first place, the wonderful stupidity of the man. For how! had you not been augur, and yet been consul, would you have been less able to do that which you said you ~~were~~ empowered to do by your sacerdotal authority? you could have done it more easily. For we have only the right of declaring; the consuls, and even the other magistrates, have that of inspection. Well, let this be considered only as a slip, (and indeed consideration cannot be expected from one who is always drunk;) but observe his impudence. He declared in the senate, many months before, that he would either put a stop to Dolabella's election by the auspices, or do that which he has since done. Can any man foresee what defect there will be in the auspices, unless he has determined to observe them? Now this is not allowed by our laws, while the comitia are holding; and if

NOTES.

" tia, et jam habita vitiare, quia et ante,
 " et post habita comitia continebat, ut
 " viderent aliquid, aut audirent. Non ta-
 " men ante ipsum diem comitiorum scire
 " poterant, quid aut visuri essent, aut
 " audituri. Solam ergo habebant *nuntia*
tionem. Magistratus habebant *spectio-*
nem, hoc est, jus servandi de *coelo*, et
 " impediendi ne populus ad comitia vo-
 " caretur. Jam et Cicero et Antonius
 " augures erant; hinc est quod ille dicit,
 " nos auctiationem solum," &c.

(70) *Nisi qui de coelo servare constitu-*

it.] When the augur, in the execution of his office, was to observe the heavens, he went upon some high place; took the augural staff (which was a sort of crozier bent at one end) in his hand, and marked out the four quarters of the heavens with it: Then he turned to the east, having the west behind him, the south to his right, and north to his left; and this is what the Romans called *servare de coelo*. In this situation he waited for a sign, by thunder, lightning, birds, or the wind.

non habitis comitiis, sed priùs quàm habeantur, debet nuntiare: verùm implicata inscitia impudentia est, si nec scit quod augurem, nec facit quod prudentem decet. Atque ex illo die recordamini ejus usque ad idus Martias consulatum: quis unquam apparitor tam humilis, tam abjectus? nihil ipse poterat: omnia rogabat: caput in aversam lecticam infereñs, beneficia, quae venderet, à collega petebat.

XXXIII. Ecce Dolabellae comitiorum dies: (71) sortitio praerogativae; quiescit: renuntiatur; tacet: prima classis vocatur; renuntiatur: deinde, ut assolet, suffragatum secunda classis vocatur; quae omnia citius sunt facta, quàm dixi. Confecto negotio, bonus augur (Laelium dices) ALIO DIE, inquit. O impudentiam singularem! quid videras? quid senseras? quid audieras? nec enim te de coelo servásse dixisti, neque hodie dicis: id igitur obvenit vitium, quod tu jam kalendis Januar. futurum esse praevideras, et tanto antè praedixeras. Ergo, hercule, magnâ, ut spero, tuâ potiùs, quàm reipublicae calamitate, ementitus es auspicio: obstrinxisti populum Romanum religione: augur auguri, consul consuli obnuntiavisti. Nolo plura, ne acta Dolabellae videar convellere, quae necesse est aliquando ad nostrum collegium deferantur. Sed arrogantiam hominis insolentiamque cognoscite: quamdiu tu voles, vitiosus consul Dolabella: rursus, cùm voles, salvis auspiciis eratus. Si nihil est, cùm augur iis verbis nuntiat, quibus tu nuntiasti; confitere te, cùm, ALIO DIE, dixeris, sobrium non fuisse: sin est aliqua vis in istis verbis, ea quae sit, augur à collega requiro. Sed, ne fortè ex multis rebus gestis M. Antonii, rem unam pulcherrimam transiliat oratio, (72) ad Lupercalia veniamus.

XXXIV. Non dissimulat, P. C. apparet esse commotum; sudat, pallet: quidlibet, modò ne nauseet, faciat, quod in porticu

NOTES.

(71) *Sortitio praerogativae.*] By the institution of the *comitia centuriata* (see *Or. pro Muraena*, note 1.) Servius Tullius secretly conveyed the whole power from the commons: for the centuries of the first and richest class being called out first, who were three more in number than all the rest put together, if they all agreed, as generally they did, the business was already decided, and the other classes were needless and insignificant. The commons, in the time of the free state, to rectify this disadvantage, obtained, that before they proceeded to voting any matter at this *comitia*, that century would give their suffrages first

upon whom it fell by lot, with the name of *centuria praerogativa*. The other centuries had the appellation of *jûre vocatae*, because they were called out according to their proper places.

(72) *Ad Lupercalia veniamus.*] This festival was celebrated on the 15th of February. Livy, Dionysius Halicarnassus, and Plutarch, tell us, that it was brought by Evander out of Greece. The ceremonies observed in it were of a very singular nature. First, two goats and a dog were killed; then the foreheads of two young men of distinction were touched with the bloody knife, and they were to laugh when they were thus

any augur has observed them, he ought to declare them, not while the comitia are holding, but before. But his ignorance and impudence go hand in hand; he neither knows what becomes an augur, nor does what is consistent with decency. Recollect his consulship from that day to the ides of March: was ever beadle more submissive, more fawning? he could do nothing of himself; he asked every thing, and thrusting his head into his colleague's litter behind, he petitioned for gratuities which he afterwards made venal.

SECT. XXXIII. The day for Dolabella's election comes: the lots of the prerogative century are drawn; he remains quiet: they are declared; still he is silent. The first class is called; their vote is reported: then, as usual, the second class is called to vote; all this was done in less time than I have taken up in relating it. When the business was over, this worthy augur (you would have thought him another Laelius) called out, **ADJOURN!** Unparalleled impudence! what had you seen? what had you perceived? what had you heard? You neither then said, nor now say, that you was observing the heavens. There was that defect, therefore, which, so far back as the first of January, you had foreseen and foretold. I trust in heaven then you have belied the auspices to your own destruction, rather than that of your country. You inspired the Roman people with religious scruples: as augur, you made a declaration of the auspices to an augur; as consul, to a consul. I'll say no more on this subject, lest I should seem to shake the acts of Dolabella, which must necessarily some time or other be brought before our college. But attend to the arrogance and insolence of the man. As long as you pleased, Dolabella was unduly elected; and again, when you altered your mind, he was created with regular auspices. If, when an augur declares in the words you declared in, the words signify nothing, confess, that when you called out **ADJOURN**, you was drunk; if there is any significance in these words, I desire you as a brother augur to shew me what it is. But lest I should pass over one of the most beautiful of Antony's numerous exploits, let me proceed to the festival of the Lupercalia.

SECT. XXXIV. He is no hypocrite, conscript fathers; it is evident that he is now touched, he sweats, he grows pale: let him do what he pleases, provided he does not vomit, as he did in the Minutian portico. What apology can be made for so scandalous

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touched. When this was done, the skins of the victims were cut into thongs and whips for the young men, who, armed in this manner, and covered only with a pair of drawers, ran about the city and

the fields, striking all they met. The young married women suffered themselves to be struck by them, and believed those strokes were a help to fruitfulness.

Minutia fecit: quae potest esse turpitudinis tantae defensio? cupio audire; ut videam, ubi rhetoris tanta merces, ubi campus Leontinus appareat. Sedebat in rostris collega tuus, amictus togâ purpureâ, in sella aurea, coronatus: adscendis; accedis ad selam; (73) (ita eras lupercus, ut te consulem esse meminisse deberes;) diadema ostendis: gemitus toto foro: unde diadema? non enim abjectum sustuleras, sed attuleras domo meditatum et cogitatum scelus. Tu diadema imponebas cum plangore populi: ille cum plausu rejiciebat. Tu ergo unus, scelerate, inventus es, qui, cum auctor regni esses, eum, quem collegam habebas, dominum habere velles; et idem tentares, quid populus Romanus ferre et pati posset. At etiam misericordiam captabas: supplex te ad pedes abjiebas: quid petens? ut servires? tibi uni peteres, qui ita à puerō vixeras, ut omnia paterere, ut facile servires: à nobis populoque Romano mandatum id certè non habebas. O praeclarā illam eloquentiam tuam, cum es nudus concionatus! quid hoc turpius? quid foedius? quid suppliciis omnibus dignius? num exspectas, dum te stimulis fodiam? haec te, si ullam partem habes sensūs, lacerat, haec cruentat oratio. Vereor ne imminuam summorum virorum gloriam: dicam tamen dolore commotus: quid indignius, quam vivere eum qui imposuerit diadema; cum omnes fateantur jure interfectum esse, qui abjecerit? At etiam adscribi jussit in fastis, ad Lupercalia, *C. Cacsari, dictatori perpetuo, M. Antonium, consulem, populi jussu regnum detulisse: Caesarem uti noluisse.* Jam jam minimè miror, te otium perturbare; non modò urbem odisse, sed etiam lucem; cum perditissimis latronibus (74) non solum de die, sed etiam in diem vivere. Ubi enim tu in pace consistes? qui locus tibi in legibus et in judiciis esse potest, quae tu, quantum in te fuit, dominatu regio sustulisti? Ideone L. Tarquinius exactus; Sp. Cassius, Sp. Melius, M. Manlius necati; ut multis post saeculis, à M. Antonio, quod fas non est, rex Romae constitueretur? Sed ad auspicia redeamus.

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(73) *Ita eras lupercus.*] Caesar received from the senate the most extravagant honours, both human and divine, which flattery could invent. Among the other compliments that were paid to him, there was a new fraternity of *Luperci* instituted to his honour, and called by his name; of which Antony was the head. Caesar, in his triumphal robe, seated himself in the rostra, in a golden chair, to see the diversion of the running; where, in the

midst of their sport, the consul Antony, at the head of his naked crew, made him the offer of a regal diadem, and attempted to put it upon his head.

(74) *Non solum de die, sed etiam in diem vivere.*] *Vivere de die*, signifies to feast and live sumptuously every day; *in diem vivere*, to have no manner of thought or consideration; to be regardless of futurity, and unconcerned about the censure or applause of the world.

an action? I should be glad to hear, that I may see what are the fruits of the Leontine fields, and of the large wages he paid his rhetoric-master. Your colleague sat in the rostra, arrayed in a purple robe, upon a throne of gold, with a crown on his head. You went up to him; you approached his throne; (though you was a lupercal, you ought to have remembered that you was likewise a consul;) you produced a diadem. A general groan issued from the whole forum. Whence had you that diadem? you did not pick it up in the streets, but brought from home the premeditated, the concerted mischief. You put it on his head amidst the groans of the people; he rejected it with universal applause. You then, villain, ~~were~~ the only person, who, after having established tyranny, wanted to have your colleague your master; and at the same time made trial what the Roman people would endure. But you likewise applied to his compassion, and threw yourself as a suppliant at his feet: for what favour? that you might be a slave? This you should have asked for yourself alone, who have liv'd from your childhood in such a manner as to bear any thing, as to serve tamely; from us, surely, or the people of Rome, you had no such commission. O that inimitable eloquence of yours, when you harangued the people naked! what could be more scandalous than this? what more shameful? what more worthy of the severest punishment? Do you expect that I am to sting you? If you have not lost all feeling, this speech must wound, must harrow up your soul. I am afraid lest I should lessen the glory of the greatest of men; yet the anguish of my soul will not suffer me to be silent: what can be more shameful, than that he should live who bestowed a royal diadem, when all confess that he was justly slain who rejected it? He even ordered it to be entered in the public acts, at the time of the Lupercalia, *that M. Antony, the consul, by command of the people, offered kingly power to C. Caesar, perpetual dictator; but that Caesar refused it.* Now, indeed, I am not in the least surprised that you disturb the public tranquillity; that you not only hate the city, but the light of the sun; and that you live with the most abandoned ruffians, not only voluptuously, but without any manner of reflection. For where can you set your feet in time of peace? what refuge can you have in laws and statutes which you have done your utmost to abolish, by introducing regal authority? Was L. Tarquinius then banished; ~~was~~ Sp. Cassius, Sp. Melius, M. Manlius, put to death for this; that so many ages after, contrary to all law, a king should be set up at Rome by M. Antony? But let us return to the auspices.

XXXV. (76) De quibus rebus idibus Martii fuit in senatu Caesar acturus, quaero tūm tu quid egisses. Audiebam quidem te paratum venisse, quòd me de ementitis auspiciis, quibus tamen parere necesse erat, putares esse dicturum. Sustulit illum diem fortuna populi Romani: num etiam tuum de auspiciis judicium interitus Caesaris sustulit? Sed incidi in id tempus, quod iis rebus, in quas ingressa erat oratio, prævertendum est. Quae tua fuga! quae formido illo die! quae propter conscientiam scelerum desperatio vitae, cùm ex illa fuga, beneficio eorum, qui tē, si sanus esses, salvum esse voluerunt, clam tē domum recepisti! Q mea frustra sémper verissima auguria rerum futura rūpi! dicebam illis in Capitolio liberatoribus nostris, cùm me ad tē ire vellent, ut ad defendendam rem publicam tē adhortarer: quoad metueres, omnia tē prōmissurum; simul ac timere desiisses, similem te futurum tui. Itaque, (77) cùm caeteri consulares irent, redirent, in sententia mansi: neque te illo die, neque postero vidi: neque ullam societatem optimis civibus cum importunissimo hōste foedere ullo confirmari posse credidi. Post diem tertium veni in aedem Telluris, et quidem invitus, cùm omnes aditus armati obsiderent: qui tibi ille dies, M. Antoni, fuit! quanquam mihi subito inimicus extitisti, tamen me tui miseret, quod tibi invideris.

XXXVI. Qui tu vir, dii immortales! et quantus fuisses, si illius diei mentem servare potuisses! pacem haberemus, quae erat facta per obsidem, puerum nobilem [M. Antonii filium] M. Bambalionis nepotem: quanquam te bonum timor faciebat, non diuturni magister officii; improbum fecit ea, quae, dum timor abest, à te non discedit, audacia: etsi tum, cùm optimum te putabant,

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(76) *De quibus rebus idibus Martii fuit in senatu Caesar acturus.*] When Caesar had prepared every thing for his expedition against the Parthians, before his departure he resolved to have the *regal title* conferred upon him by the senate, who were too sensible of his power, and obsequious to his will, to deny him any thing; and to make it the more palatable at the same time to the people, he caused a report to be industriously propagated through the city, of ancient prophecies found in the Sibylline books, that the Parthians could not be conquered but by a king: on the strength of which, Cotta, one of the guardians of these books, was to move the senate to decree the title of king to him. As this was to be part of the senate's business on

the occasion here mentioned, Cicero is supposed to ask Antony what he would have done in the affair; but as Appian tells us, that Caesar intended to propose the validity of Dolabella's election to the senate's consideration, it is more probable that Cicero refers to this.

(77) *Cum caeteri consulares irent, redirent.*] Mr Guthrie, in a note on this passage, observes, that the commentators have made " very botching work of it." *Irent, redirent*, according to him, signifies no more than that the other consulars " altered their way of thinking of " Antony, sometimes to one way, sometimes to another;" and by *ego in sententia mansi* is meant, he says, that Cicero " still kept in the same way of thinking." The attentive reader may easi-

SECT. XXXV. Let me ask you how you would have behaved in the business which Caesar was to have transacted in the senate in the ides of March. I was told indeed that you came prepared, because you thought I would speak about the fictitious auspices, which yet there was a necessity of obeying. The fortune of the people of Rome prevented the transactions of that day; but did the death of Caesar destroy the judgment you passed concerning the auspices? But I have touched upon a juncture concerning which I must speak, before I go on with what I had begun to treat of. How you fled, how you trembled on that day! how the consciousness of your guilt made you despair of life, while out of the general rout you conveyed yourself privately to your own house by the favour of those who meant that you should be safe, could you have had discernment enough to perceive it! O my vainly unerring foresight of future events! I told those brave deliverers of ours in the Capitol, when they desired me to go and exhort you to the defence of the state, that while you was afraid, you would promise every thing; but as soon as your apprehensions were over, that you would act like yourself. Therefore, while the other consulars went backward and forward, I remained fixed in my purpose; I nejther saw you on that, nor the following day; nor did I think it possible that an union could be established by any ties whatsoever, betwixt the best of citizens and the most inveterate enemy of the state. Three days after, I came to the temple of Tellus, and indeed unwillingly, as all the avenues to it were blocked up by armed men. What a day, Mark Antony, was that for you! though you suddenly became my enemy, yet I pity you, because you are an enemy to yourself.

SECT. XXXVI. Immortal gods! how good, how great a man you might have been, could you have preserved a due remembrance of that day! We might have had a peace that was sealed by a noble youth, the son of M. Antony, and grandson of M. Bainbalio. Though fear made you good for a while, yet the restraint was soon removed; that audaciousness, which never deserts you when fear is absent, rendered you a villain. And even at that time, when men thought best of you, though I still differed from them,

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I perceive that this is making *very botching work* of the passage, the sense of which is extremely obvious. Brutus, deceived by Antony's artful conduct, immediately after Caesar's death, had conceived hopes of him, and proposed sending a deputation to him, to exhort him to measures of peace. Cicero remonstrated against this, for the reasons he here assigns, and could not be prevailed upon

to bear a part in the deputation; so that while the other consular senators were going forwards and backwards as mediators between Antony and the conspirators, Cicero remained fixed in his purpose, and did not see Antony for the two first days after Caesar's death.—The passage cannot possibly admit of any other interpretation, without offering manifest violence to it.

me quidem dissentiente, (78) funeri tyranni, si illud funus fuit, sceleratissimè praefuisti : tua illa pulchra laudatio, tua miseratio, tua cohortatio : tu, tu, inquam, illas faces incendisti, et eas, quibus semiustulatus ille est, et eas, (79) quibus incensa L. Bellieni domus deflagravit ; tu illos impetus perditorum hominum, et ex maxima parte servorum, quos nos vi manuque repulimus, in nostras domos immisisti. Idem tamen, quasi fuligine abstersâ, reliquis diebus in capitolio praeclara senatus consulta fecisti, ne qua post idus Martias immunitatis tabula, neve cujus beneficii figeretur. Meministi ipse de exsilibus ; scis de immunitate quid dixeris : optimum verò, quòd dictatura nomen in perpetuum de republica sustulisti ; quo quidem facto tantum te cepisse odium regni videbatur, ut ejus omnem, propter proximum dictatorem, tolleres metum. Constituta respublica videbatur aliis, mihi verò nullo modo, qui omnia, te gubernante, naufragia metuebam. Num me igitur fecellit ? aut num diutius sui potuit esse dissimilis ? inspectantibus vobis, toto Capitolio tabulae figebantur : neque solum singulis veniebant immunitates, sed etiam populis universis ; civitas non jam sigillatim, sed provinciis totis dabatur. Itaque si haec manent, quae stante republicâ manere non possunt, provincias universas, P. C. perdidistis : neque vectigalia solum, sed etiam imperium populi Romani hujus domesticis nundinis diminutum est.

XXXVII. Ubi est septies millies sestertiūm, quod in tabulis, quae sunt ad Opis, patebat ? Funestae illius quidem pecuniae ; sed tamen, si iis, quorum erant, non redderentur, quae nos à tributis possent vindicare. Tu autem H. S. quadringtonies, quod idibus Martiis debuisti, quonam modo ante kalendas Aprilis debere desisti ? [Quid ego de commentariis infinitis, quid de innumerabilibus chirographis loquar ?] Sunt ea quidem innumerabilia, quae a diversis emebantur, non insciente te : sed unum egregium (80) de rege Dejotaro, populo Romano amicissimo, decretum in Capitolio fixum : quo proposito, nemo erat, qui in ipso dolore risum posset continere. Quis enim cuiquam inimicior, quam Dejotaro Caesar ? aeque atque huic ordini, ut equestri, ut Massiliensibus,

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(78) *Funeri tyranni—sceleratissimè praefuisti.*] Antony procured a decree of the senate for allowing a public funeral to Caesar, as being the best opportunity of inflaming the soldiers and the populace, and raising some commotions to the disadvantage of the republican cause, in which he succeeded so well, that Brutus and Cassius had no small difficulty to defend their lives and houses from the violence of his mob.

(79) *Quibus incensa L. Bellieni domus deflagravit.*] The populace, excited by

the spectacle of Caesar's body, and the eloquence of Antony, who made the funeral oration, committed numberless acts of violence ; and amongst others, set fire to the house of this Bellienus, who was a senator.

(80) *De rege Dejotaro, populo Romano amicissimo.*] Dejotarus was king of Galatia, and a faithful ally of Rome. For his adherence to Pompey, he was deprived of part of his dominions by Caesar, at whose death his agents at Rome bargained with Antony, for the sum of

you wickedly presided at the tyrant's funeral, if a funeral it might be called. Yours was that beautiful panegyric, yours that pity, yours that exhortation. You, you, I say, kindled those fire-brands with which his body was half consumed, and those by which the house of L. Bellienus was set on fire and burnt down. You it was who let loose upon us the rage of those abandoned villains, for the most part slaves, whom we were obliged to repel by force and violence. Yet, as if your foulness had been wiped off, the following days you made some noble decrees in the Capitol, that after the ides of March no bill for immunities or favours should be fixed up. You yourself mentioned the exiles; you know what you said concerning immunities. But, what was the best of all, you banished the name of dictator for ever from the state; by which action you seemed to have conceived such an aversion to royalty, as to be desirous of taking away all apprehensions of it, on account of the last dictator. To others the state seemed to be settled; but very different were my sentiments, for, while you were at the helm, I dreaded an universal wreck. Was I then mistaken? or could he any longer be unlike himself? Bills were stuck up all over the Capitol, even while you stood looking on: immunities were granted, not only to single persons, but to whole states. The freedom of Rome was not now conferred on individuals, but on whole provinces. If these acts therefore remain, conscript fathers, which, if the constitution subsists, cannot remain, you have lost whole provinces; and not only whole revenues, but the whole power of Rome must sink by this domestic traffic.

SECT. XXXVII. What is become of the 5,000,000 of money which appeared by the books to be in the temple of Ops? Fatal indeed were his treasures; but yet if they must not be restored to those to whom they belonged, they were such as might free us from our taxes. But how could you, who on the ides of March owed above thirty thousand pounds, pay off such a debt before the first of April? why should I mention an infinite number of writings and notes? Innumerable indeed were the favours, which, not without your knowledge, were purchased by different persons: but one famous decree, concerning king Dejotarus, the faithful friend of the Roman people, was stuck up in the Capitol; at the sight of which there was not a person who could refrain from laughing, though under the deepest concern. For was ever one man a greater enemy to another, than Caesar was to Dejotarus? whom he hated as much as he did this order, as he did the Roman

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eighty thousand pounds, to restore the good old king to his dominions again. But in this he was beforehand with

them; for he had no sooner heard of Caesar's death, than he seized by force upon what he had been unjustly deprived of.

ut omnibus, quibus rempublicam populi Romani caram esse sentiebat. Igitur à quo viyo, nec præsens, nec absens, rex Dejotarus quidquam aequi boni impetravit, apud mortuum factus est gratus. Compellárat hospitem præsens, computárat, pecuniam imperárat, in ejus tetrarchia uifum ex Graecis comitibus suis collocárat: Armeniam abstulerat à senatu datam. Haec vivus eripuit, reddidit mortuus; at quibus verbis? modò aequum sibi videri, modò non iniquum: mira verborum complexio; at ille nunquam (semper enim absenti affui Dejotaro) quidquam sibi, quod nos pro illo postularemus, aequum dixit videri. Sygrapha H. S. centies per legatos, viros bonos, sed timidos et imperitos, sine nostra, sine reliquorum hospitum regis sententia, facta in gynaeceo: quo in loco plurimae res venierunt et veneunt; qua ex sygrapha quid sis ac turus, meditere censeo. Rex enim ipse suā sponte, nullis commentariis Caesaris, simulatque audivit ejus interitum, suo Marte res suas recuperavit. Sciebat homo sapiens, jus semper hoc fuisse, ut, quae tyranni eripuissent, ea, tyrannis interfectis, ii, quibus erepta essent, recuperarent. Nemo igitur jureconsultus, ne iste quidem, qui tibi uni est jureconsultus, per quem haec agis, ex ista sygrapha deberi dicit pro iis rebus, quae erant ante sygrapham recuperatae: non enim à te emit; sed priùs, quām tu suum sibi venderes, ipse possedit. Ille vir fuit: nos quidem contempnendi, qui auctorem odimus, acta defendimus.

XXXVII Quid ergo de commentariis infinitis, quid de innumerabilibus chirographis loquar? quorum etiam imitatores sunt, qui ea, tanquam gladiatorum libellos, palam venditent. Itaque tanti acervi nummorum apud istum construuntur, ut jam appendantur, non numerentur, pecuniae. At quām caeca avaritia est! nuper fixa tabula est, quā civitates locupletissimae Cretensium vectigalibus liberantur: statuiturque, ne post Brutum proconsulem sit Creta provincia. Tu mentis es compos? tu non constringendus? an Caesaris decreto Creta post M. Bruti decessum potuit liberari, cūm Creta nihil ad Brutum, Caesare vivo, pertineret? At hujus venditione decreti, ne nihil actum putetis, provinciam Cretam perdidistis. Omnino nemo ullius rei fuit emptor, cui

knights, the inhabitants of Marseilles, and all who had the interest of their country at heart. King Dejotarus then became the favourite of a man when dead, from whom, when alive, he could never obtain the least favour or justice, either present or absent. While Caesar was alive, he prosecuted Dejotarus, who entertained him at his court, fleeced him, extorted money from him, placed one of his Greek attendants over his dominions, and took away Armenia from him, which had been given him by the senate : all this, while on earth he deprived him of, after his death he restored. But what words did he make use of to justify such a proceeding ? One while he says, that it seems reasonable to him ; another, not unreasonable. A strange way of talking ! but Caesar never said that any thing seemed reasonable to him which we asked for Dejotarus, for whose interest I always appeared in his absence. A promissory note for above £78,000, without my knowledge, or that of any of the king's friends, was, by his ambassadors, good men indeed, but unexperienced, drawn up in Fulvia's apartment, where many other things have been, and still are, prostituted to sale. I think you should consider well, what you are to do with this note. For the king, of himself, without having recourse to any of Caesar's papers, as soon as he heard of his death, recovered what belonged to him by his own bravery. As he was a wise prince, he knew well, that what tyrants took away, the injured party, upon the death of the tyrant, had a right to recover. No lawyer, then, not even that fellow, who is employed as a lawyer by none but you, and who advised you to this step, pretends that his note gives you a title to what was recovered before it was granted : for he did not buy it of you ; but was in possession of it, before you sold him what was his own. He acted like a man ; we, like despicable poltroons : for we detest the tyrant, and yet defend his acts.

SECT. XXXVIII. Why then should I mention the numberless memorandums and notes of hand, which several persons even make it their business to counterfeit, and sell as publicly as if they were gladiators bills ? Hence it is, that such prodigious heaps of money are now piled up at his house, that it is weighed out, not told. But how blind is avarice ! A bill is lately stuck up, by which the richest cities of Crete are exempted from taxes : and it is decreed, that after the proconsulate of M. Brutus, Crete shall be no longer a province. Are you in your senses ? ought you not to be bound ? Can Crete, by any decree of Caesar's, be made free, after the proconsulate of Brutus, when Brutus had nothing to do with Crete while Caesar was alive ? But, lest you should think there is nothing in this, you have, by the traffic of such a decree, actually lost the province of Crete. In a word, never was any thing bought, that Antony is not ready to sell :

defuerit hic venditor. Et de exsilibus legem, quam fixisti, Caesar tulit? nullius insecto calamitatem: tantum queror, primum eorum redditus inquinatos, quorum causam dissimilem Caesar judicaverit: deinde nescio cur reliquis idem non tribuas: neque enim plus quam tres aut quatuor reliqui sunt: qui simili in calamitate sunt, cur tuâ misericordiâ simili non fruuntur? cur eos habes in loco patrui? de quo ferre, cum de reliquis ferres, noluisti; quem etiam ad censuram petendam impulisti, eamque petitionem comparasti, quae et risus hominum et querelas moveret. Cur autem ea comitia non habuisti? (81) an quia tribunus plebis sinistrum fulmen nuntiabat? cum tua quid interest, nulla auspicia sint; cum tuorum, tum sis religiosus. Quid! eundem (82) in septemviratu nonne destituisti? intervenit enim: quid metuisti? credo, ne salvo capite negare non posses: omnibus eum contumeliis onerasti, quem patris loco, si ulla in te pietas esset, colere debebas; filiam ejus, sororem tuam, ejecisti, aliâ conditione quæsita, et antè perspecta: non est satis; probri insimulasti pudicissimam foeminam. Quid est, quod addi possit? contentus eo non fuisti; frequentissimo senatu kalendis Jan. sedente patruo, hanc tibi esse cum Dolabella odii causam ausus es dicere, (83) quod ab eo sorori et uxori tuae stuprum oblatum esse comperisses. Quis interpretari potest, impudentior-ne, qui in senatu; an improbior, qui in Dolabellam; an impurior, qui patre audiente; an crudelior, qui in illam miseram tam spurce, tam impiè dixeris?

XXXIX. Sed ad chirographa redeamus: quæ fuit tua cognitio? acta enim Caesaris pacis causa confirmata sunt à senatu: quæ quidem Caesar egisset, non ea quæ Caesarem egisse dixisset Antonius. Unde ista erumpunt? quo auctore proferuntur? si sunt falsa, cur probantur? si vera, cur veneunt? At sic placuerat, ut ex kalendis Juniis de Caesaris actis cum consilio cognosceretis. Quod fuit consilium? quem unquam advocasti? quas kalendas Junias exspectasti? an eas, ad quas te, peragratis veteranorum coloniis, stipatum armis retulisti? O praeclaram illam percursa-

NOTES.

(81) *An quia tribunus plebis sinistrum fulmen nuntiabat?*] When thunder was heard to the left, it was looked upon as a happy presage, upon every other occasion but that of holding the comitia, when it was deemed an unhappy one.

(82) *In septemviratu nonne destituisisti?*] Seven commissioners called the *septemviri*, were appointed for taking care of the feasts appointed in honour of the gods. It is probable, however, that Cicero here means one of the seven commissioners appointed after Caesar's death

for dividing the Campanian and Leonine lands.

(83) *Quod ab eo sorori et uxori tue stuprum oblatum esse comperisses.*] Antony's declaring that the ground of his quarrel with Dolabella, was his having caught him in an attempt to debauch his wife Antonia, the daughter of his uncle, was probably without any foundation, and contrived only to colour his divorce with her, and his late marriage with Fulvia, the widow of Clodius.

Did Caesar too pass the law concerning exiles, which you stuck up? I insult no man upon his misfortune; I only complain, in the first place, that they, whose case Caesar thought to be different, have been scandalously put upon a footing as to their return from banishment: in the next place, I cannot perceive why you should not extend this favour to all; for there are not above three or four excepted: why should not those who are involved in the same calamity, be equally the objects of your compassion? why do you treat them as you do your uncle, whom you would not pardon, when you pardoned the rest; whom you urged however to stand for the censorship, and drew up a petition for that purpose, which excited both the laughter and indignation of mankind? But why did not you hold that comitia? was it because a tribune of the people declared that it thundered to the left? When your own interest is concerned, the auspices are considered as nothing; when that of your friends, then you are strictly religious. What! did you not desert him, when he put up for being a septemvir? But he asked for his money; what was you afraid of? lest you could not refuse to pay him, I suppose, if he was once restored. You loaded a man with all manner of reproaches, whom you ought to have revered like a father, had you had the least spark of filial piety. His daughter, your own cousin, you turned away, having first looked out and bargained for another match. Yet this was not enough: you defamed a woman of the strictest honour. Could any thing be added to this? yes, you went farther still. You had the assurance to say, on the first of January, in a full senate, where your uncle was present, that the ground of your enmity to Dolabella was your having found out that he attempted to debauch your cousin and wife. Who can determine which was the greatest on this occasion, your impudence in the senate, your villany against Dolabella, your indelicacy before your father, or your cruelty in using such base and unbecoming language against an unfortunate lady?

SECT. XXXIX. But let us return to the notes of hand. How came you to take these things under your cognizance? for Caesar's acts were confirmed by the senate for the sake of peace; at least, what Caesar enacted, not what Antony says he enacted. Whence are they issued? by whose authority are they produced? If fictitious, why are they approved of? if genuine, why are they exposed to sale? But it was agreed upon, that, from the first of June, the consuls should, with assistance, take cognizance of Caesar's acts. Who were these assistants? whom did you ever summon? what kalends of June did you wait for? Those, when having made a tour through all the colonies of the veterans, you returned to Rome, attended by armed men? What a glorious tour that was

tionem tuam mense Aprili atque Maio, tum, (84) cùm etiam Capuam deducere coloniam conatus es! Quemadmodum illinc abi-
eris, vel potius penè non abieris, scimus: cui tu urbi minitaris; utinam conere, ut aliquando illud PENE tollatur. At quām nobilis
est tua illa peregrinatio? quid prandiorum apparatus, quid furi-
osam vinolentiam tuam proferam? tua ista detrimenta sunt, illa
nostra. Agrum Campanum, qui cùm de vesticibus eximebatur,
ut militibus daretur, tamen infligi magnum reipublicae vulnus
putabamus: hunc tu compransoribus tuis, et collusoribus divide-
bas; mimos dico et mimas, P. C. in agro Campano collocatos.
Quid jam querar de agro Leontino? quandoquidem hae quondam
orationes, Campana et Leontina, in populi Romani patrimonio
grandi foenore, et fructuosa ferebantur. Medico tria millia juge-
rum, quasi te sanum fecisset; rhetori duo, quasi disertum facere
potuisset. Sed ad iter, Italiamque redeamus.

XL. Deduxisti coloniam Casilinum, quò Caesar antè dedux-
rat. Consuluisti me per literas de Capua tu quidem, (sed idem se
Casilino respondissem,) possesne, ubi colonia esset, eò coloniam
novam jure deducere: negavi in eam coloniam, quae esset auspi-
catò deducta, dum esset incolumis, coloniam novam jure deduci:
colonos novos adscribi posse rescripsi: tu autem, insolentiâ elatus,
omni auspiciorum jure turbato, Casilinum coloniam deduxisti, quò
erat paucis annis antè deducta, ut vexillum tolleres, et aratum
circumduceres; cujus quidem vomere portam Capuae penè per-
strinxisti, ut florentis coloniae territorium minueretur. Ab hac
perturbatione religionum advolas. (85) in M. Varronis, sanctissimi
atque integerrimi viri, fundum Cassinatem: quo jure? quo ore?
eodem, inquires, quo in haeredum L. Rubrii, quo in haeredum
L. Turselii praedia, quo in reliquas innumerabiles possessiones.
Et si ab hasta, valeat hasta, valeant tabulae, modò Caesaris, non
tuae: quibus debuisti, non quibus tu te liberavisti. Varronis qui-
dem Cassinatem fundum quis venisse dicit? quis hastam istius
venditionis vidit? quis vocem praeconis audivit? Misisse te dicis
Alexandriam, qui emeret è Caesare; ipsum enim exspectare mag-

NOTES.

(84) *Cùm etiam Capuam coloniam de-
ducere conatus es!*] Antony, in order to
engage the veteran soldiers to his ser-
vice, wanted to give them the Capuan
lands, and to settle a new colony there.
He went to Capua, in order to divide
the lands; but the inhabitants made a
vigorous resistance, and had almost put
him to death.

(85) *In M. Varronis, sanctissimi atque
integerrimi viri.*] Varro was a senator of
the first distinction, both for birth and
merit; Cicero's intimate friend, and es-
teemed the most learned man of Rome.
He had served as Pompey's lieutenant
in Spain, in the beginning of the war;
but after the defeat of Afranius and Pe-
treius, quitted his arms, and retired to
his studies.

of yours, in the months of April and May, when you attempted to settle a colony at Capua! How you left that place, or rather how near you were never to have left it, we all know. You threaten that city. I wish you would proceed so far, ~~as~~ that the *near* I just now mentioned, may be no longer necessary. But what a noble progress that was of yours! why should I mention your grand entertainments, or your excessive drinking? The one was your loss, the other ours. When the lands of Campania were exempted from taxes, that they might be divided among the soldiers, we thought a deep wound was given to the constitution; but you divided them among your fellow-debauchées and gamesters. Actors and actresses, I say, conscript fathers, are now settled in the territories of Campania. Why should I now complain of the Leonine lands? and yet these territories were once a rich inheritance to the Roman people, and brought in a large revenue to the public treasury. Three thousand acres to a physician, as if he could have made you sound; two thousand to a rhetoric-master, as if he could possibly have made you eloquent. But let us return to your journey, and to Italy.

SECT. XL. You settled a colony at Casilinum, where Caesar had settled one before. You consulted me indeed by letters concerning Capua (I should have returned you the same answer as to Casilinum), whether you could lawfully introduce a new colony into a place where a colony had been already settled. I denied that a new colony could lawfully be introduced, while a colony that was settled by proper auspices was unimpaired: but I wrote you word, that new planters might be added to the former. But you, elated with pride, and disregarding all the laws of auspices, settled a colony at Casilinum, where one had been planted a few years before, that you might raise a standard, and drive round a plough, whose share almost grazed upon the gate of Capua, that you might lessen the territory of a flourishing colony. From this violation of what was sacred, you flew to the Cassian estate of M. Varro, a man of the greatest honour and integrity. By what right? with what face? The same, you will say, with which you seized upon the estates of the heirs of L. Rubrius and L. Turselius: with which you thrust yourself into a great many other possessions. You bought this estate at a sale, you'll say: let the sale be legal, let the bills be legal, provided they be Caesar's, not your own; those by which you was a debtor, not those by which you cleared yourself. But who can say that Varro's Cassian estates were sold? who ever saw that sale? who heard the voice of the auctioneer? You say that you sent a person to Alexandria, to buy it of Caesar: for it would have been too long, it seems, to wait till he himself should come to Rome. But who ever heard (and

num fuit: quis verò audivit unquam (nullius autem salus curae pluribus fuit) de fortunis Varronis rem ullam esse detractam? Quod si etiam scripsit ad te Caesar, ut redderes; quid satis potest dici de tanta impudentia? Removē gladios illos parumper, quos videmus: jam intelliges, aliam causam esse hastae Caesaris, aliam confidentiae et temeritatis tuae; non enim te dominus modo illis sedibus, sed quivis amicus, vicinus, hospes, procurator arcebit.

XLI. At quām multos dies in ea villa turpissimè es perbacchatus? ab hora tertia bibebatur, ludebatur, vomebatur. O tecta ipsa miserā, quām dispari domino! quanquam quomodo iste dominus? sed tamen quām à dispari tenebantur! studiorum enim suorum M. Varro voluit esse illud, non libidinum diversorium: quae in illa villa anteā dicebantur? quae cogitabantur? quae literis mandabantur? jura populi Romani, monumenta majorum, omnis sapientiae ratio omnisque doctrinae. At verò, te inquilino (non enim domino) personabant omnia vocibus ebriorum: nabant pavimenta vino; madebant parietes: ingenui pueri cum mēritoriis, scorta inter mātresfamilias versabantur. (86) Cassino salutatum yeniebant, Aquino, Interamnā: admissus est nemo; jure id quidem. In homine enim turpissimo obsolebant dignitatis insignia. Cūm inde Romam proficiscens ad Aquinum accederet, obviam ei processit (ut est frequens municipium) magna sanè multitudo; at iste opertā lecticā latus est per oppidum, ut mortuus. Stulte Aquinates; sed tamen in via habitabant: quid Anagnini? qui, cūm essent devii [obviam ei] descenderant, ut istum, tanquam si esset consul, salutarent: incredibile dictu; tamen inter omnes constabat, neminem esse resalutatum; praesertim cūm duos secum Anagninos haberet, Mustellam et Laconem; quorum alter gladiorum est princeps, alter poculorum. Quid ego illas istius minas contumeliasque commemorem, quibus invictus est in Sidi-
cinos? vexavit Puteolanos, quòd C. Cassiū, quòd Brutos patro-
nos adoptāssent: magno quidem judicio, studio, benevolentiā, ca-
ritate; non ut te, (87) ut Basiliū, vi et armis, et alias vestri simi-
les, quos clientes nemo habere velit, non modò esse illorum cliens.

NOTES.

(86) *Cassino salutatum veniebant, Aquino, Interamnā.*] Cassinum was a town of Campania, now called Monte Cassino. Aquinum was a town of the Latins, near Samnium; it was the place of Juvenal's birth, and is now called Aquino. Interamna was a town of Campania, not far from Aquinum; it derived its name from

its situation between the rivers Melpis and Liris.

(87) *Ut Basiliū.*] This Basilius, it seems, was a person of a very infamous character, and a great temporizer; as appears from his joining Pompey in the civil wars, and afterwards associating himself with Antony. /

yet there was no man for whose welfare the public was more concerned) that any part of Varro's estate was sequestered! yet if it should appear that Caesar wrote to you to restore it, what can be said bad enough of such monstrous impudence? Remove those swords a little which are now before our eyes, and you shall instantly see the difference betwixt Caesar's authority for ordering a sale, and your audacious presumption: for, not only the proprietor of that estate, but any friend, neighbour, guest, or steward of his, shall have it in his power to drive you from it.

SECT. XLI. Yet for how many days did you shamefully revel in that villa? from the third hour there was nothing but drinking, gaming, and vomiting. O unfortunate dwelling, *what a different master was there!* though how can he be called the master? yet how unlike its former possessor! for M. Varro intended it should be a retreat for study, and not a haunt for lewdness. In that villa, what was formerly the subject of conversation? what of meditation? what was committed to writing? The constitution of Rome; the monuments of our ancestors; every subject of learning and philosophy. But while you was tenant there, (for you was not master,) nothing was to be heard but the noise of drunkards; the pavements floated, the walls were stained with wine; free-born youths of liberal education were confounded with catamites, and matrons with common strumpets. People came from Cassinum, Aquinum, and Interamna, to pay you their compliments: not one was admitted. And this indeed was right: for the ensigns of consular dignity were disgraced by so infamous a fellow. In his return from thence to Rome, when he came to Aquinum, great numbers (for it is a populous town) came out to meet him; but he was carried through the streets in a covered litter, as if he had been dead. The inhabitants of Aquinum acted foolishly; yet what could they do? they lived on the road. But what shall we say of the Anagnini? who, though they lived off the road, yet came down and complimented him, as if he had been really a consul. It is incredible to relate, yet all agree that he returned no compliments; which is the more surprising, as he had two inhabitants of Anagni in his train, Mustella and Laco; the one an excellent fencer, the other an excellent drinker. Why should I mention the threats and abuses he threw out against the Sidicineans? He oppressed the inhabitants of Puteoli, for putting themselves under the patronage of C. Cassius, and the Bruti; which they certainly did from principle, from inclination, from friendship, and affection; not from dread and terror, which forced them to follow you of Basilus, whom nobody would chuse as clients, much less as patrons.

XLII. Interēa dum tu abes, qui dies ille collegae tui fuit, cūm illud, quod tu venerari solebas, bustum in foro evertit? quā re tibi nuntiatā, ut constabat inter eos, qui unā fuerunt, concidisti: quid evenerit posteā, nescio: metum credo valuisse, et arma. Collegam quidem de caelo detraxisti; effecisti que non tu quidem etiam nunc, ut sit similis tui, sed certè, ut dissimilis esset sui. Qui verò reditus inde Roman? quae perturbatio totius urbis? (88) memineramus Cinnam nimis potentem; (89) Syllam postea dominantem, modò Caesarem regnante videramus: erant fortasse gladii, sed ii absconditi, nec ita multi; ista verò quae et quanta barbaria est! agmine quadrato cum gladiis sequuntur milites: scutorum lecticas portari videmus. Atque his quidem jam inveteratis, P. C. consuetudine obduruimus: kalendis Juniis, cūm in senatum, ut erat constitutum, vēnire vellemus, metu perterriti repente diffugimus: at iste, qui senatu non egeret, neque desideravit quemquam, et potius discessu nostro laetus est, statim illa mirabilia facinora effecit: qui chirographa Caesaris defendisset lucri sui causā, is leges Caesaris, easque praeclaras, ut rem publicam concutere posset, evertit; numerum annorum provinciis prorogavit; idemque, cūm actorum Caesaris defensor esse deberet, et in publicis, et in privatis rebus acta Caesaris rescidit. In publicis actis nihil est lege gravius: in privatis firmissimum est testamentum. Leges alias sine promulgatione sustulit: alias, ut tolleret promulgatas, promulgavit. Testamentum irritum fecit; quod etiam infimis civibus semper obtenu-

NOTES.

(88) *Memineramus Cinnam nimis potentem.*] Cinna was a person of consular dignity, cotemporary with Sylla, whose decrees, in his absence, when he was attempting to reverse, he was driven out of Rome by his colleague Octavius, with six of the tribunes, and deposed from the consulship. Upon this he raised an army, and recalled Marius, who having joined his forces with him, entered Rome in a hostile manner, and with the most horrible cruelty put all Sylla's friends to the sword, without regard to age, dignity, or former services.

(89) *Syllam postea dominantem.*] Sylla was descended of a noble and patrician family, which yet, through the indolence of his ancestors, had made no figure in the republic for many generations, and was almost sunk into obscurity; till he produced it again into light, by aspiring to the honours of the state. Marius and he served as lieutenants in the Marseic or social war, where Sylla distinguished himself by his courage and bravery, and, as a reward of his services, was raised to

the consulship. A civil war breaking out soon after betwixt him and Marius, in which he had the advantage, he revenged himself in the most barbarous manner upon the Marian faction; and by the detestable method of a *proscription*, of which he was the first author and inventor, exercised a more infamous cruelty in Rome, than had ever been practised in cold blood, in that, or perhaps in any other city. As soon as the proscriptions were over, he was declared dictator, without any limitation of time. Being invested by the office with absolute authority, he made many useful regulations for the better order of the government; and by the plenitude of his power, changed in a great measure the whole constitution of it, from a democratical to an aristocratical form, by advancing the prerogative of the senate, and depressing that of the people. That he might not be suspected of aiming at a perpetual tyranny, and a total subversion of the republic, he suffered the consuls to be chosen in the regular manner, and to

SECT. XLII. In the mean time, during your absence, what a glorious day was that to your colleague, when he demolished that monument in the forum, which you used to worship? at the news of which, we are told by those who were present, you fainted away. What happened after that, I know not; I suppose, fear and the dread of arms then prevailed. You drew your colleague down from that glorious height to which his merit had raised him, and rendered him not so bad as yourself indeed, but surely very unlike to Dolabella. But what was your return from thence to Rome? what confusion was the whole city thrown into? We remembered Cinna too powerful; we had seen Sylla afterwards tyrannising; and had just beheld the usurpation of Caesar. These had swords perhaps, but they were sheathed, and few in number. But on that occasion, how detestable, and how great were the barbarities you committed! Battalions of soldiers, with swords in their hands, followed you; and we saw litters carried along, filled with bucklers. But these objects, conscript fathers, were so frequent and so familiar to us, that we became quite insensible to them. On the first of June, when we would have met in the senate, according to appointment, struck with sudden fear, each of us fled. But he who neither wanted a senate, nor wished for the counsels of any person, but rather rejoiced at our departure, immediately put in execution those wonderful acts of his. He who had defended Caesar's notes while he could gain any thing by it, abolished Caesar's laws, and those salutary ones, that he might overthrow the constitution. He prorogued the number of years for holding provinces; and this man, who ought to have been the defender of Caesar's acts, repealed them; both those of a public, and those of a private nature. In public affairs, nothing is of more weight than a law; in private, nothing of greater force than a will. Some laws he abolished without promulgation; others he stuck up, that he might abolish those already promulgated. He made a will of no effect; which is always valid even amongst the meanest citizens. The statues and pictures, which Caesar, to-

NOTES.

govern, as usual, in all the ordinary affairs of the city; whilst he employed himself particularly in reforming the disorders of the state, by putting his new laws in execution. He afterwards laid down the dictatorship, and restored liberty to the republic; and, with an uncommon greatness of mind, lived many months as a private senator, and with perfect security, in that city where he had exercised the most bloody tyranny.

Cicero, though he had a good opinion of his cause, yet detested the inhumanity of his victory; and never speaks of him with respect, nor of his government but as a proper tyranny; calling him a master of three most pestilent vices, luxury, avarice, and cruelty. A little before his death, he made his own epitaph, the sum of which was, "that no man had ever gone beyond him, in doing good to his friends, or hurt to his enemies."

tum est. Signa, tabulas, quas populo Caesar unà cum hortis legavit, eas hic partim in hortos Pompeii deportavit, partim in villam Scipionis.

XLIII. Et tu in Caesaris memoria diligens? tu illum amas mortuum? Quem is majorem honorem consecutus erat, quam ut haberet pulvinar, simulacrum, fastigium, flaminem? Est ergo flamen, ut Jovi, ut Marti, ut Quirino, sic Divo Julio Marcus Antonius? Quid igitur cessas? cur non inaugurate? Sume diem: vide, qui te inauguret: collegae sumus; nemo negabit. O detestabilem hominem, sive quod tyranni sacerdos es, sive quod mortui! Quaero deinceps, num hodiernus dies qui sit ignores? ne scis, heri quartum in Circo diem ludorum Romanorum fuisse? te autem ipsum ad populum tulisse, ut quintus praeterea dies Caesari tribueretur? (90) Cur non sumus praetextati? cur honorem Caesari tua lege datum deserit patimur? An supplicationes addendo diem contaminari passus es, pulvinaria noluisti? aut undique religionem tolle, aut usqueaque conserva. Quaeres; placeatne mihi pulvinar esse, fastigium, flaminem? mihi vero nihil istorum placet. Sed tu, qui acta Caesaris defendis, quid potes dicere, cur alia defendas, alia non cures? nisi forte vis fateri, te omnia quaestu tuo, non illius dignitate metiri. Quid ad haec tandem? expecto eloquentiam tuam; disertissimum cognovi avum tuum; (91) at te etiam apertiores in dicendo: ille nunquam nudus est concionatus; tuum hominis simplicis pectus vidimus. Respondebisne ad haec? aut omnino hiscere audebis? ecquid reperies extam longa oratione mea, cui te respondere posse confidas? Sed praeterita omittamus.

XLIV. Hunc unum diem, hunc unum, inquam, hodiernum diem, hoc punctum temporis, quo loquor, defende, si potes. Cur armatorum coronâ senatus septus est? cur me tui satellites cum gladiis audiunt? cur valvae Concordiae non patent? cur homines omnium gentium maximè barbaros, Ityros, cum sagittis ducis in forum? Praesidiū sui causā se facere dicit. Nonne igitur nullus perire est melius, quam in sua civitate sine armatorum praesidio non posse vivere? Sed nullum est istuc, mihi crede, praesidium; caritate et beneyolentiâ civium septum oportet esse, non

NOTES.

(90) *Cur non sumus praetextati?* Such Roman senators as were actual magistrates of the city, as the consuls, praetors, aediles, tribunes, &c. during the year of their magistracy, always wore the *praetexta*, or a gown bordered round with a stripe of purple; in which habit also, all the rest of the senate who had

already borne those offices, used to assist at the public festivals and solemnities.

(91) *At te etiam apertiores in dicendo.* Cicero here alludes to Antony's haranguing naked during the festival of the Lupercalia. There is an ambiguity in the original, which it is scarce possible to preserve in an English translation.

gether with his gardens, had left as a legacy to the Roman people, he carried off, partly to Pompey's gardens, partly to Scipio's country-seat.

SECT. XLIII. And are you watchful over Caesar's memory? do you love him even in the grave? What higher honour could he possibly attain to, than to have a *shrine*, an image, a pavilion, and a priest? As Jupiter, as Mars, as Romulus, then have their priests, is M. Antony priest to the deified Caesar? Why do you stop here? why are not you consecrated? Appoint a day; look out for some person to consecrate you: we are colleagues: nobody will oppose it. Detestable wretch, whether considered as the priest of a tyrant, or of a dead man! I ask you, then, whether you know what a day this is? Are you ignorant that yesterday was the fourth day of the Roman games in the Circus? that you yourself proposed to the people, that a fifth should be dedicated to Caesar? Why then are we not in our proper robes? why do we suffer an honour conferred on Caesar, by your law, to be neglected? Can you, who have suffered a day to be profaned, by adding supplications, deny him shrines? Either destroy religion in every respect, or maintain it in all. You will ask, perhaps, whether I approve of a shrine, a pavilion, and a priest? I approve then of none of them. But you, who defend Caesar's acts, what reason can you assign for defending some, and neglecting others? unless indeed you confess that you measure everything by your own interest, not by his dignity. What answer can you make to these things? I long for a specimen of your oratorical talents. I know that your grandfather was a man of great eloquence: but he was not so perspicuous in speaking as you are. He never harangued naked; but such is your plainness and simplicity, that you laid open your very bosom to our view. Will you make no answer to this? won't you so much as venture to open your mouth? is there nothing in this long oration of mine, which you think you can answer? But let us omit what is past.

SECT. XLIV. Defend, if you can, this one day, this present day, I say, this very instant of time, in which I am now speaking. Why is the senate beset with a body of armed men? why do your guards now hear me with swords in their hands? why are not the doors of the temple of Concord thrown open? why do you bring into the forum the Ityreans, armed with darts: a race the most savage of all mankind? He answers, that he does it for his own safety. Is it not better then to undergo a thousand deaths, than not to be able to live in your own country without an armed guard? But, believe me, that is no guard. The hearts and affections of your fellow-citizens, and not your arms, must be your

armis. Eripiet, extorquebit tibi ista populus Romanus, utinam salvis nobis! sed quoquo modo nobiscum egeris, dum istis consiliis uteris, non potes esse, mihi crede, diuturnus; etenim ista tua minimè avara conjux, quam ego sive contumelia describo, (92) nimium debet diu populo Romano tertiam pensionem. Habet populus Romanus, ad quos gubernacula reipublicae deferat; qui ubicunque terrarum sunt, ibi est omne reipublicae praesidium, vel potius ipsa res publica, quae se adhuc tantummodo ultra est, nondum recuperavit. Habet quidem certè res publica adolescentes nobilissimos, paratos defensores: quamdiu volent, illi cedant, otio consulentes; tamen à republica revocabuntur. Et nomen pacis dulce est, et ipsa res salutaris; sed inter pacem et servitutem plurimum interest: pax est tranquilla libertas; servitus maiorum omnium postremum, non modo bello, sed morte etiam repellendum. Quod si seipsos illi nostri libatores è conspectu nostro abstulerunt; at exemplum facti reliquerunt: illi, quod nemo fecerat, fecerunt. Tarquinium Brutus bello est persecutus; qui tam rex fuit, cum esse Romae regem licet. Sp. Cassius, Sp. Melius, M. Mañlius, propter suspicionem regni appetendi sunt necati: hi primi cum gladiis, non in regnum appetentem, sed in regnante impetum fecerunt; quod cum ipsum factum per se praeclarum atque divinum est, tum expositum ad imitandum; praesertim cum illi eam gloriam consecuti sint, quae vix caelo capi posse videatur. Et si enim satis in ipsa conscientia pulcherrimi facti fructus erat, tamen mortali immortalitatem non arbitror contemnendam.

XLV. Recordare igitur illum, M. Antoni, diem, quo dictaram sustulisti: pone ante oculos laetitiam senatus populique Romani: conser cum hac nummatione tua tuorumque; tum intelliges, quantum inter laudum et lucrum intersit. Sed nimis, ut quidam morbo aliquo et sensu stupore suavitatem cibi non sentunt; sic libidinosi, avari, facinorosi, verae laudes gustum non habent. Sed, si te laus allicere ad recte faciendum non potest, ne metus quidem à foedissimis factis potest avocare? Judicia non metuis; si propter innocentiam, laudo; si propter vim, non intelligis, ei, qui isto modo judicia non timeat, quid timendum sit? Quod si non metuis viros fortes, egregiosque cives, quod à corpore tuo prohibentur armis; tui te, mihi crede, diutius non ferent.

NOTES.

(92) *Nimium debet diu populo Romano tertiam pensionem.*] Fulvia, who was Antony's wife, had had three husbands, Clodius, Curio, and Antony. The first was killed by Milo; the second, being

sent by Caesar against Juba, king of Mauritania, was defeated and killed; and Cicero here prognosticates the death of her third husband Antony.

protection. The people of Rome will take away, will wrest these from your hands, and I hope with safety to us all. But whatever way you deal with us, while you pursue such measures, your reign, believe me, will be but short. For too long has your generous spouse, whom I mention without the least reflection, owed the third debt she has to pay to the Roman people. Rome has those still left, whom she may safely trust with the reins of government: in whatever parts of the world they are, there dwells all the safety of this state, or rather the state itself; which has yet only avenged herself, not recovered her former strength. Our country has indeed youths of the greatest quality, ready to defend her. Though it has been thought expedient for them to retire, out of regard to the public tranquillity, yet their country will recall them. Even the name of peace is pleasing, and peace herself is salutary; yet between peace and servitude there is a wide difference. Peace is the tranquillity of liberty; servitude the worst of all evils, to be repelled not only by force, but by death itself. But though these brave deliverers of ours have withdrawn themselves from our sight, yet have they left a glorious example: they have done what no one ever did before. Brutus made war upon Tarquin, who was king at a time when it was agreeable to the Roman constitution to have kings. Sp. Cassius, Sp. Melius, M. Manlius, were put to death on a suspicion of affecting royalty. But our deliverers are the first who have drawn their swords, not against one who affected royalty, but one who was in actual possession of it; an action which, as it is glorious and divine in itself, so is it worthy of our imitation, especially as the authors of it have acquired such glory, as heaven itself seems scarcely wide enough to contain. For though the consciousness of a glorious deed is a sufficient reward, yet immortality, I think, ought not to be condemned by a mortal.

SECT. XLV. Call to mind then, M. Antony, that day when you abolished the dictatorship: set before your eyes the joy of the senate and people of Rome: compare these objects with the treasures you and yours have hoarded up; then will you perceive the difference betwixt profit and applause. But as some persons, through sickness and a stupefaction of the senses, lose all taste for the most savoury food, so the lustful, the covetous, the wicked, have no relish for true glory. But if glory cannot allure thee to virtuous deeds, has fear nothing to restrain thee from the most scandalous actions? Judiciary proceedings thou dost not regard: if this proceeds from a consciousness of innocence, I commend it; if, through a sense of thy power, dost thou not perceive how much the man has to fear who entertains such a disregard? But if you are above dreading brave men, and good citizens, because your arms protect you; yet, believe me, your own creatures will not

Quae est autem vita, dies et noctes timere a suis? nisi verò aut majoribus habes beneficiis obligatos, quam ille quosdam habuit ex iis, à quibus est interfectus: aut tu es ullâ re cum eo comparandus? (93) fuit in illo ingenium, ratio, memoria, literae, cura, cogitatio, diligentia: res bello gesserat, quamvis reipublicae calamitosas, attamen magnas: multos annos regnare meditatus, magno labore, magnis periculis, quod cogitārat, efficerat: munēribus, monumentis, congiariis, epulis, multitudinem imperitam delinierat: suos praemii, (94) adversarios clementiae specie devinxerat. Quid multa? attulerat jam liberae ciuitati, partim metu, partim patientiā, consuetudinem serviendi.

XLVI. Cum illo ego te dominandi cupiditate conferre possum: caeteris verò rebus nullo modo es comparandus. Sed ex plurimis malis, quae ab illo reipublicae sunt inusta, hoc tamen boni est, quod didicit jam populus Romanus, quantum cuique crederet, quibus se committeret, à quibus caveret. Haec igitur non cogitas? nec intelligis, satis esse viris fortibus didicisse, quām sit re pulchrum, beneficio gratum, famâ gloriosum, tyrannum occidere? an, cùm illum homines non tulerint, te ferent? Certatim posthac, mihi crede, ad hoc opus curretur, nec occasionis tarditas exspectabitur. Respice, quaeso, aliquando, rempublicam, M. Antoni: quibus ortus sis, non quibuscum vivas, considera; mecum, ut voles; cum

NOTES.

(93) *Fuit in illo ingenium, ratio, memoria, literae.*] We have here a very fine encomium upon Caesar, whom Cicero describes as possessing many great and noble qualities. Nature, indeed, had formed him to excel in peace, as well as war: he was provident in counsel, fearless in action; generous beyond measure to his friends; and for parts, learning, and eloquence, scarce inferior to any man. His orations were admired for two qualities, which are seldom found together, strength and elegance: Cicero ranks him among the greatest orators that Rome ever bred; and Quintilian says, "that he spoke with the same force with which he fought; and if he had devoted himself to the bar, would have been the only man capable of rivalling Cicero." Nor was he a master only of the politer arts; but conversant also with the most abstruse and critical parts of learning; and among other works which he published, addressed two books to Cicero, *on the analogy of language*, or the art of speaking and writing correctly. He was a most liberal patron of wit and learning, wheresoever they were found; and out of his love of those talents, would readily pardon those who

had employed them against himself: rightly judging, that by making such men his friends, he should draw praises from the same fountain from which he had been aspersed. His capital passions were, ambition and love of pleasure, which he indulged in their turns to the greatest excess: yet the first was always predominant; to which he could easily sacrifice all the charms of the second, and draw pleasure even from toils and dangers, when they ministered to his glory. For he thought "tyranny," as Cicero says, "the greatest of goddesses;" and had frequently in his mouth a verse of Euripides, which expressed the image of his soul, "that if right and justice were ever to be violated, they were to be violated for the sake of reigning." This was the chief end and purpose of his life, the scheme that he had formed from his early youth; so that, as Cato truly declared of him, "he came with sobriety and meditation to the subversion of the republic." He used to say, "that there were two things necessary to acquire and support power, soldiers and money:" which yet depended mutually on each other: with money, therefore, he provided soldiers; and with

endure you any longer. And what a life it is to be under continual apprehensions, night and day, from your own party? unless they are under greater obligations to you, than those who put Caesar to death were to him. But are you in any respect to be compared with Caesar? He had genius, sense, memory, learning, foresight, consideration, and activity: his achievements in war, though destructive to his country, were yet great in themselves: having meditated usurpation for many years, at length, with great toil and many dangers, he accomplished his design: with presents, shows, largesses, and entertainments, he soothed the thoughtless multitude; his friends he obliged by his generosity, and his enemies by a show of clemency. In a word, partly by fear, partly by patience, he brought a free state to a habit of slavery.

SECT. XLVI. As to the lust of power, indeed, you may be compared with him, though in no other respect will the comparison hold. But, from the numberless evils he brought upon his country, this advantage still arises, that the people of Rome have now learnt how far any man is to be trusted, into whose hands they may commit themselves, and whom they ought to be upon their guard against. Do you not reflect on these things? do you not perceive that it is enough for brave men to have learned, that the most beautiful action in itself, the most delightful in its consequences, and the most illustrious in fame, is that of killing a tyrant? When they could not bear with him, will they bear with you? Believe me, men will now run eagerly into such an enterprise, nor will they wait for slow opportunity. I beseech you then, M. Antony, cast your eye at last upon your country. Consider those you are descended from, not those with whom

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soldiers he extorted money: and was of all men the most rapacious in plundering both friends and foes; sparing neither prince, nor state, nor temple, nor even private persons, who were known to possess any share of treasure. His great abilities would necessarily have made him one of the first citizens of Rome; but disdaining the condition of a subject, he could never rest till he had made himself a monarch. In acting this last part, his usual prudence seemed to fail him; as if the height, to which he was mounted, had turned his head, and made him giddy: for by a vain ostentation of his power, he destroyed the stability of it; and as men shorten life by living too fast, so by an intemperance of reigning, he brought his reign to a violent end.

(94) *Adversarios clementiae specie deuinzerat.*] Caesar has often been highly celebrated by his flatterers for clemency; which seems, however, to have been an

assumed, and not a real quality in him. Whoever attentively considers his character, will find it very difficult, we apprehend, to persuade himself, that he who was guilty of the greatest cruelty in making war upon, and enslaving his country, would have relinquished his mad schemes of ambition, if gentle methods had failed him, rather than have recourse to acts of blood and vengeance. After having seen how Marius and Sylla were hated for their personal cruelties, no wonder that he should put on the appearance of this, as well as of other virtues. But that clemency was not his natural character, we have the express testimony of his friend Curio, who well knew him: Coelius too, one of his partizans, freely says of him, in a letter to Cicero, that he meditated nothing but what was violent and tragical, nor even spoke in any other strain.

republica redi in gratiam. Sed de te tu ipse videris: ego de me ipso profitebor; defendi rempublicam adolescens, non deseram senex; contempsi Catilinae gladios, non pertimescam tuos. Quin etiam corpus libenter obtulerim, si repraesentari morte meâ libertas civitatis potest; ut aliquando dolor populi Romani pariat quod jam diu parturit. Etenim si abhinc annos propè viginti hoc ipso in templo negavi, posse mortem immaturam esse consulari, quanto verius nunc negabo seni? Mihi verò, P. C. jam etiam optanda mors est, perfuncto rebus iis, quas adeptus sum, quasque gessi. Duo modò haec opto: unum, ut moriens populum Romanum liberum relinquam; hoc mihi majus à diis immortalibus dari nihil potest: alterum, ut ita cuique eveniat, ut de republica quisque mereatur.

you live: behave towards me as you will; but be no longer an enemy to your country. But these are your concerns. As for me, I will make this public declaration: I defended the state in my youth, and will not abandon it in my old age; I despised the swords of Catiline, and will not fear yours. Nay, I would willingly expose my person, if by my death the liberties of Rome could be immediately recovered, and the Roman people could be delivered from that painful load they have been so long in labour of: for if, near twenty years ago, I declared in this very temple, that death could not be untimely to me, when consular; how much more truly can I make that declaration, now that I am an old man? To me, conscript fathers, death is now even desirable, after the many honours I have obtained, and the duties I have performed. Two things only I wish for: the first is, that I may leave the Roman people free; and a greater blessing than this the immortal gods cannot bestow upon me: the other, that every man may be rewarded as he has deserved of his country.

ORATIO XVII.

IN M. ANTONIUM PHILIPPICARUM*

PHILIPPICA NONA.

I. VELLEM, dii immortales fecissent, P. C. ut vivo potius Servio Sulpicio gratias ageremus, quam mortuo honores quaeremus. Nec verò dubito, quin, si ille vir legationem renuntiare potuisse, redditus ejus et nobis gratus fuerit, et reipublicae salutaris futurus: non quo L. Philippo et L. Pisoni aut studium aut cura defuerit in tanto officio tantoque munere; sed cum Servius Sulpicius aetate illos anteiret, sapientia omnes, subito eruptus è causa, totam legationem orbam et debilitatam reliquit. Quod si cuiquam

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* Servius Sulpicius was of a noble and patrician family, of the same age, the same studies, and the same principles with Cicero, with whom he kept up a perpetual friendship. They went through their exercises together when young, both at Rome and at Rhodes, in the celebrated school of Molo; whence he became an eminent pleader of causes, and passed through all the great offices of state, with a singular reputation of wisdom, learning, and integrity; a constant admirer of the modesty of the ancients, and a reprobator of the insolence of his own times. When he could not arrive at the first degree of fame as an orator, he resolved to excel in what was next to it, the character of lawyer; choosing rather to be first in the second art, than the second only in the first: leaving therefore to his friend Cicero the field of eloquence, he contented himself with such a share of it, as was sufficient to sustain and adorn the profession of the law. In this he succeeded to his wish, and was far superior to all who had ever

professed it in Rome, being the first who reduced it to a proper science, or rational system; and added light and method to that which all others before him had taught darkly and confusedly. Nor was his knowledge confined to the external forms, or the effects of the municipal laws; but enlarged by a comprehensive view of universal equity, which he made the interpreter of its sanctions, and the rule of all his decisions; yet he was always better pleased to put an amicable end to a controversy, than to direct a process at law. In his political behaviour he was always a friend to peace and liberty; moderating the violence of opposite parties, and discouraging every step towards civil dissension; and in the war between Caesar and Pompey, was so busy in contriving projects of an accommodation, that he gained the name of the *peace-maker*. Through a natural timidity of temper, confirmed by a profession and course of life averse from arms, though he preferred Pompey's cause as the best, he did not care to fight

ORATION XVII.

THE NINTH AGAINST M. ANTONY.

SECT. I. I WISH, conscript fathers, the immortal gods had put it in our power to return thanks to the living Ser. Sulpicius, rather than to decree honours to his memory. Nor have I the least doubt, but if that great man could have returned from his embassy, his return would have been both agreeable to us, and beneficial to the state: not that L. Philippus and L. Piso were wanting in diligence or attention in the discharge of so important an office and trust; but as Ser. Sulpicius exceeded them in years, and all men in wisdom, his being cut off so suddenly, left the em-

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for it; but taking Caesar's to be the strongest, suffered his son to follow that camp, while he himself continued quiet and neuter: for this he was honoured by Caesar, yet could never be induced to approve his government. From the time of Caesar's death, he continued still to advise and promote all measures which seemed likely to establish the public concord. He was sent with L. Philippus and L. Piso, both consular senators, upon an embassy to Antony, to desire him, in the name of the senate, to quit the siege of Modena, and desist from all hostilities in Gaul; but died before he reached Antony's camp. When the news of his death was brought to Rome, Pansa called the senate together to deliberate on some proper honours to be decreed to his memory. He spoke largely in his praise, and advised to pay him all the honours which had ever been decreed to any who had lost their lives in the ser-

vice of their country: a public funeral, sepulchre, and statue. Servilius, who spoke next, agreed to a funeral and monument; but was against a statue, as due only to those who had been killed by violence in the discharge of their embassies. Cicero was not content with this; but, out of private friendship to the man, as well as regard to the public service, resolved to have all the honours paid to him which the occasion could possibly justify. In answer therefore to Servilius, he shows in this oration, with his usual eloquence, that the case of Sulpicius was the same with the case of those who had been killed on the account of their embassies. The senate, agreeable to Cicero's desire, granted the statue, which, we are told by a writer of the third century, remained to his time in the rostra of Augustus. This oration was delivered in the year of Rome 710, and of Cicero's age 64.

justus honos habitus est in morte legato, in nullo justior, quām in Ser. Sulpicio, reperiatur. Caeteri, qui in legatione mortem obiērunt, ad incertum vitae periculum, sine ullo mortis metu, profecti sunt: Ser. Sulpicius cum aliquā pervenienti ad M. Antonium spe profectus est, nullā revertendi. Qui cūm ita affectus esset, ut, si ad gravem valetudinem labor viae accessisset, sibi ipse diffideret: non recusavit, quō minus vel extremo spiritu, si quam opem reipublicae ferre posset, experiretur. Itaque non illum vis hiemis, non nives, non longitudo itineris, non asperitas viarum, non morbus ingravescens retardavit: cūmque jam ad congressum colloquiumque ejus pervenisset, ad quem erat missus, in ipsa cura et meditatione obeundi sui muneris excessit ē vita. Ut igitur alia, sic hoc, C. Pansa, praeclarè, quòd nos ad ornandum Ser. Sulpicium cohortatus es, et ipse multa copiosè de illius laude dixisti; quibus à te dictis, nihil praeter sententiam dicerem, nisi P. Servilio respondendum putarem, qui hunc honorem statuae nemini tribuendum censuit, nisi ei, qui ferro esset in legatione interfectus. Ego autem, P. C. sic interpretor sensisse majores nostros, ut causam mortis censuerint, non genus esse quaerendum. Etenim cui legatio ipsa mortis fuissest, ejus monumentum extare voluerunt, ut in bellis periculis obirent homines legationis munus audaciūs. Non igitur exempla majorum quaerenda, sed consilium est eorum, à quo ipsa exempla nata sunt, explicandum.

II. (1) Lar Tolumnius, rex Veientium, quatuor legatos populi Romani Fidenis interemit; quorum statuae in rostris steterunt usque ad meam memoriam: justus honos; iis enim majores nostri, qui ob rempublicam mortem obiérant, pro brevi vita diuturnam memoriam reddiderunt. Cn. Octavii, clari viri et magni, qui primus in eam familiam, quae posteà viris fortissimis floruit, attulit consulatum, statuam videmus in rostris; nemo tum novitati invidebat, nemo virtutem non honorabat. At ea fuit legatio Octavii, in qua periculi suspicio non subesset. Nam cūm esset missus à

NOTES.

(1) *Lar Tolumnius, rex Veientium.*] In the year of Rome 315, the Fidenates threw off the Roman yoke, and put themselves under the protection of Tolumnius, king of the Veientes; by whose orders they murdered four ambassadors, whom the Romans sent to them to ask the reason of their conduct. So enormous a proceeding was followed a bloody war; the brave Mamercus Aemilius was nominated dictator, and defeated the Veientes and Fidenates, with the Falisci,

who joined them in a pitched battle. Tolumnius was slain in the action by Cornelius Cossus, a legionary tribune, who stripped him of his armour and royal robes; and these spoils, called *epima spolia*, Cornelius afterwards carried on his shoulders in the dictator's triumph, and then deposited them in the temple of Jupiter Feretrius. They were the second of the sort known in Rome: the first were borne by Romulus, who killed king Acron in single combat.

bassy maimed and imperfect. But if due honours have ever been decreed to any ambassador after his death, they can be due to none more than to Ser. Sulpicius. Others, who have died during their embassy, left Rome without any certain hazard of their lives, without any apprehensions of death: Ser. Sulpicius set out with some hopes of reaching M. Antony, but with no hopes of returning. Though he was in so bad a state of health, that he even despaired of himself if he should add the fatigue of a journey to his indisposition, yet he refused not to try if with his last breath he could be of any service to his country. Accordingly, neither the rigour of the winter, the snow, the length of the journey, the roughness of the roads, nor his increasing indisposition, could retard him; and when he had reached the person to whom he was sent, he died the very moment he was going to enter into a conference with him, and discharge his commission. On this, therefore, C. Pansa, as well as on all other occasions, you have acted nobly, by exhorting us to honour the memory of Ser. Sulpicius, and by speaking so copiously in his praise. To what you have said I should add nothing, and only declare my assent, were it not that I think it necessary to reply to P. Servilius, who has delivered it as his opinion, that the honour of a statue is only due to those who have been killed by violence in the discharge of their embassy. But, in my opinion, conscript fathers, it was not the manner, but the cause of the death that our ancestors regarded: for they granted a monument to him whose death was caused by his embassy, that in dangerous wars men might undertake the office of ambassador with greater cheerfulness. We are not to seek precedents then from our ancestors, but explain the intentions of those from whom those very precedents sprung.

Sect. II. Lar Tolumnius, king of the Veientes, put to death, at Fidenae, four ambassadors of the Roman people, whose statues I remember to have seen in the rostra. And this honour was due to them; for as they had suffered death on account of their country, our ancestors, for the life they had lost, a life short at best, rendered their memory lasting. The statue of Cn. Octavius, an illustrious and great man, who first introduced the consulship into that family, which has since been fruitful in the bravest of men, we still behold in the rostra. No one, at that time, envied new men; virtue was honoured by all. But such was the embassy of Octavius, that there was not the least suspicion of dan-

senatu ad animos regum perspiciendos liberorumque populorum; maximéque (2) ut nepotem Antiochi regis, ejus qui cum majoribus nostris bellum gesserat, classes habere, elephantes alere prohiberet: Laodiceae in gymnasio à quodam Leptine est interfectus. Reddita est ei tum à majoribus statua pro vita, quae multos per annos progeniem ejus honestaret, nunc ad tantae familiae memoriam sola restat. Atqui et huic, et Tullo Cluvio, et Lucio Roscio, et Sp. Antio, et C. Fulcinio, qui à Veientium rege caesi sunt, non sanguis, qui profusus est in morte, sed ipsa mors ob rempublicam obita, honori fuit.

III. Itaque, P. C. si Ser. Sulpicio casus mortem attulisset, dolerem quidem tanto reipublicae vulnere; mortem verò ejus non monumentis, sed luctu publico esse honorandam putarem. Nunc autem quis dubitat, quin ei vitam abstulerit ipsa legatio? secum enim ille mortem extulit; quam, si nobiscum remansisset, suā curā, optimi filii, fidelissimaeque conjugis diligentia, vitare potuisset. At ille, cùm videret, si vestrae auctoritati non paruisse, dissimilem se futurum sui; sin paruisse, munus sibi illud pro reipublica susceptum vitae finem fore; maluit in maximo reipublicae discrimine emori, quām minus, quām potuisse, videri reipublicae profuisse. Multis illi in urbibus, quā iter faciebat, reficiendi se et curandi potestas fuit: aderat hospitum invitatio liberalis pro dignitate summi viri, et eorum hortatio, qui unā erant missi, ad requiescendum, et suae vitae consulendum. At ille properans, festinans, mandata vestra confidere cupiens, in hac constantia, morbo adversante, perseveravit. Cujus cùm adventu maximè perturbatus esset Antonius, quòd ea, quae sibi jussu vestro denunciarentur, auctoritate erant et sententiā Ser. Sulpicij constituta; declaravit quām odisset senatum, cùm auctorem senatus extinctum laetè atque insolenter tulit. Non igitur magis Octavium Leptines, nec Veientium rex eos, quos modò nominavi, quām Ser. Sulpicium occidit Antonius. Is enim profectò mortem attulit, qui causa mortis fuit. Quocirca etiam ad posteritatis memoriam pertinere arbitror, exstare, quod fuerit de hoc bello judi-

NOTES.

(2) *Ut nepotem Antiochi regis, &c.]* This was Antiochus Eupator, grandson of Antiochus surnamed the Great. At the death of his father Antiochus Epiphanes, he was only nine years old, and left under the guardianship of Lysias. When the news of Epiphanes's death came to Rome, the senate dispatched Cn. Octavius and two others, to assume the administration of the government of Syria; and to these they gave instructions to burn all the decked ships, disable the elephants, and, in a word, weaken as much as possible the forces of

the kingdom. Octavius, in his journey, passed through Cappadocia, where king Ariarathes offered him an army, to escort him into Syria, and to keep the people of that country in awe while he performed his commission. But he, confiding in the majesty of the Roman name, disdained all other protection. At Laodicea, he began to put the orders of the senate into execution; burning the ships, and disabling the elephants. His pretence was the treaty made with Antiochus the Great, in which it had been stipulated, that the Syrians should not have above a

ger in it; for being sent by the senate to penetrate into the intentions of kings and free nations, but chiefly to forbid the grandson of that Antiochus, who had waged war with our ancestors, to maintain fleets, or bring up elephants, he was slain by one Leptines, in the gymnasium at Laodicea. A statue was then bestowed upon him by our ancestors, for the life he had lost; which, for many years after, did honour to his descendants, and at present is the only monument extant to the memory of that illustrious family. But it was not the blood which was poured forth in death, but death itself, undergone for the sake of the republic, that procured this honour to him, and to Tullus Cluvius, L. Roscius, Sp. Antius, and C. Fulcinus, who were killed by the king of the Veientes.

SECT. III. If therefore, conscript fathers, Serv. Sulpicius had lost his life by any accident, I should have been deeply concerned indeed for the loss my country had sustained; and should have thought that his memory ought to be honoured, not by monuments, but by public mourning. But, now, can there be any doubt that the embassy killed him? He carried death out along with him, which, had he staid at home, he might have escaped by his own care, by the tenderness of an excellent son, and most faithful wife. But when he saw, that if he did not obey your authority, he should be unlike himself, and if he did obey, that the office he had undertaken for his country would put an end to his life; he chose, in so critical a state of the republic, rather to die, than seem to decline any service which he could possibly do. In many of the cities through which he passed, he had opportunities of refreshing and reposing himself. His hosts generously offered him every thing that was suitable to the dignity of so great a man, and joined with his colleagues in pressing him to rest, and consult his own life; but, in spite of his distemper, he persevered in the resolution of urging his journey, and hastening to perform the commands of the senate. His arrival greatly disconcerted Antony, because what was declared to him by your orders, was settled by the authority and advice of Serv. Sulpicius; and he showed how much he hated the senate, when he expressed such insolent joy at the death of so illustrious a senator. Ser. Sulpicius then was as truly killed by Antony, as Octavius was by Leptines; or those I have just now mentioned, by the king of the Veientes: for he certainly killed him, who was the cause of his death. For which reason, I think, we ought to leave to posterity some monument of the opinion of the senate concerning this

NOTES.

certain number of ships of war, nor tame
any elephants. This despotic manner of
proceeding highly exasperated the peo-

ple; and one Leptines, supposed to be
hired by Lysias, assassinated Octavius in
the Gymnasium.

cium senatū; erit enim statua ipsa testis, bellum tam grave fuisse, ut legati interitus honoris memoriam consecutus sit.

IV. Quòd si excusationem Ser. Sulpicii, P. C. legationis ob-eundae recordari volueritis, nulla dubitatio relinquetur, quin honore mortui, quam vivo injuriam fecimus, sarciamus. Vos enim, P. C. (grave dictu est, sed dicendum tamen,) vos, inquam, Ser. Sulpicium vitâ privâstis. Quem cùm videretis re magis morbum, quam oratione excusantem, non vos quidem crudeles fuistis; (quid enim minus in hunc ordinem convenit?) sed cùm speraretis nihil esse, quod non illius auctoritate et sapientiâ effici posset, vehementius excusationi obstitistis; atque eum, qui semper vestrum consensum gravissimum judicavisset, de sententia dejecistis. Ut verò Pansae consulis accessit cohortatio gravior quam aures Ser. Sulpicii ferre didicissent, tum verò denique filium, meque seduxit, atque ita locutus est, ut auctoritatem vestram vitae suae se diceret anteferre; cuius nos virtutem admirati, non ausi sumus adversari voluntati: movebatur singulari pietate filius; non multum ejus perturbationi meus dolor concedebat; sed uterque nostrum cedere cogebatur magnitudini animi, orationisque gravitati; cùm quidem ille maximâ laude et gratulatione omnium vestrum pollicitus est, se quòd velletis esse facturum, neque ejus sententiae periculum vitaturum, cuius ipse auctor fuisset: quem exsequi mandata vestra properantem manè postridie prosecuti sumus; qui quidem discedens tecum ita locutus est, ut ejus oratio omen fati videretur.

V. Reddite igitur, P. C. ei vitam, cui ademistis; vita enim mortuorum in memoria vivorum est posita: perficie ut is, quem vos inscii ad mortem misistis, immortalitatem habeat à vobis: cui si statuam in rostris decreto vestro statueritis, nulla ejus legationem posteritatis obscurabit oblivio; nam reliqua Ser. Sulpicii vita multis erit praeclarisque monumentis ad omnem memoriam commendata: semper illius gravitatem, constantiam, fidem, praestantem in republica tuenda curam atque prudentiam, omnium mortalium fama celebrabit. Nec verò silebitur admirabilis quedam, et incredibilis, (3) ac penè divina ejus in legibus interpre-

NOTES.

(3) *Ac penè divina ejus in legibus interpretandis—scientiu.]* The old lawyers tell a remarkable story of the origin of Sulpicius's fame and skill in the law: that going one day to consult Mucius Scaevola about some point, he was so dull in ap-

prehending the meaning of Mucius's answer, that after explaining it to him twice or thrice, Mucius could not forbear saying, " It is a shame for a noble " man and a patrician, and a pleader of " causes, to be ignorant of that law

war ; and this statue will bear witness, that it was so important a war, that the death of one who was employed in it as an ambassador had honours paid to it.

SECT. IV. If you will but recollect, conscript fathers, how Ser. Sulpicius endeavoured to excuse himself from undertaking the embassy, you must needs be convinced, that this honour to him when dead, is but a necessary amends for the injury done to him when living. For you, conscript fathers, (it is a harsh saying, but I must say it,) you were the persons who deprived Ser. Sulpicius of life. When you saw that his excuse was grounded not on a pretended, but on a real indisposition, you were not indeed cruel, (for nothing can be more compassionate than this order;) but as you flattered yourselves that there was nothing which his authority and wisdom could not effect, you overruled his excuse, and obliged him, who always thought your sentiments of the greatest weight, to yield to your remonstrances. And when the consul Pansa joined his exhortation with a gravity and force of speech which the ears of Ser. Sulpicius had not learnt to bear, he then took his son and me aside, and professed that he could not help preferring your authority to his own life. We, through admiration of his virtue, durst not venture to oppose his will. His son was tenderly moved, nor was my concern much less ; yet both of us were obliged to give way to the greatness of his mind, and the force of his reasoning ; when, to the great joy, and with the great applause of you all, he promised that he would do whatever you prescribed, nor would decline the danger of that vote, of which he himself had been the proposer. Next morning we saw him set out, eager to execute your orders : we accompanied him part of the way ; and the words which he spoke to me at parting, seemed a presage of his fate.

SECT. V. Restore life, then, conscript fathers, to him, from whom you have taken it away : for the life of the dead is in the memory of the living. Take care that he, whom you unwillingly sent to his death, receive an immortality from you. If you decree a statue to him in the rostra, the remembrance of his embassy will remain to all posterity : for the other actions of Ser. Sulpicius's life will have many glorious monuments to perpetuate their memory. His gravity, steadiness, honour, great care and prudence in defending the state, will be for ever celebrated among mankind ; nor will his admirable, incredible, and almost divine skill in interpreting the laws, and explaining them according to the prin-

NOTES.

" which he professes to understand." | and made him apply himself to his studies, with such industry, that he became

The reproach stung him to the quick,

tandis, aequitate explicanda, scientia. Omnes ex omni aetate, qui in hac civitate intelligentiam juris habuerunt, si unum in locum conferantur, cum Ser. Sulpicio non sunt comparandi. Neque enim ille magis juris consultus, quam justitiae fuit. Ita ea, quae proficiscebantur à legibus, et à jure civili, semper ad facilitatem aequitatemque referebat; neque instituere litium actiones malebat, quam controversias tollere. Ergo hoc statuae monumento non eget; habet alia majora: haec enim statua mortis honestae testis erit; illa, memoria vitae gloriosae; ut hoc magis monumentum grati senatus, quam clari viri futurum sit. Multum etiam valuisse ad patris honorem pietas filii videbitur; qui, quam afflictus luctu non adest, tamen sic animati esse debet, ut si ille adesset: est autem ita affectus, ut nemo unquam unici filii mortem magis doluerit, quam ille moeret patris. Et quidem etiam ad famam Ser. Sulpicii filii arbitror pertinere, ut videatur honorem debitum patri praestitisse; quanquam nullum monumentum clarissimus Ser. Sulpicius relinquere potuit, quam effigiem morum suorum, virtutis, constantiae, pietatis, ingenii, filium; cuius luctus aut hoc honore vestro, aut nullo solatio levare potest.

VI. Mihi autem recordanti Ser. Sulpicii multos in familiaritate nostra sermones, gratior illi videtur, si quis est sensus in morte, aenea statua futura, et ea pedestris, quam inaurata equestris; (4) qualis est L. Syllae prima statua: mirificè enim Ser. Sulpicius majorum continentiam diligebat; hujus saeculi insolentiam vituperabat. Ut igitur, si ipsum consulam, quid velit, sic pedestrem ex aere statuam, tanquam ex ejus auctoritate et voluntate decerno: quae quidem magnum civium dolorem et desiderium honore monumenti minuet et leniet. Atque hanc meam sententiam, P. C. P. Servili sententiā comprobari necesse est, qui sepulcrum publicè decernendum Ser. Sulpicio censuit, statuam non censuit. Nam si mors legati sine caede atque ferro nullum honorem desiderat, cur decernit honorem sepulturae, qui maximus haberi potest mortuo? Sin id tribuit Ser. Sulpicio, quod non est datum Cn. Octavio; cur, quod illi datum est, huic dandum esse non censem?

NOTES.

the ablest lawyer in Rome, and left behind him near a hundred and eighty books; written by himself, on nice and difficult questions of law. Digest. L. 1. Tit. 2. Parag. 43.

(4) *Qualis est L. Syllae.*] Sylla had three statues erected to him in the rostra; the first, according to Pliny, was a pedestrian statue of brass, the other two equestrian.

ciples of equity, be buried in silence. Though all those who have ever applied themselves to the study of the law in this state, were to be brought together into one place, they would not deserve to be compared with Servius Sulpicius. Nor was he less acquainted with the principles of universal equity, than he was with the laws of his country. Accordingly, in every point relating to the civil law and the ordinances of the state, he made equity the rule of his decisions; and was always better pleased to put an amicable end to a controversy, than to direct a process at law. These things, therefore, do not stand in need of a statue to perpetuate their memory; there remain other more glorious monuments of them, which will bear testimony to the glory of his life: whereas the statue will only testify his honourable death, and be rather a monument of the gratitude of the senate, than of the fame of the man. The piety of the son too will contribute not a little to the glory of the father; who, though he is prevented by excessive grief from being present, yet ought you to be as favourably disposed as if he were. So great indeed is his concern, that no one ever grieved more for the death of an only son, than he does for that of his father. It likewise concerns the reputation of Servius Sulpicius the son, that he pay all due honours to his father; though Servius Sulpicius could leave no more illustrious monument behind him than a son, the image of his manners, of his virtue, steadiness, piety and genius; whose grief can be softened by your thus honouring his father, or he is utterly inconsolable.

SECT. VI. When I recollect the many conversations which my intimacy with Ser. Sulpicius gave me an opportunity of enjoying, I am persuaded, that if he is sensible of any thing after death, a pedestrian statue in brass, such as Sylla's first statue, will be more agreeable to him than a gilt equestrian statue: for Servius Sulpicius was a great admirer of the modesty of our ancestors, and condemned the haughty extravagance of the present times. As if I had consulted himself, therefore, upon what would be most agreeable to him, as the interpreter of his pleasure, I declare for a pedestrian statue of brass; which honourable monument will alleviate and lessen the sorrow of his fellow-citizens for his loss. And what I say, conscript fathers, must needs be approved of by P. Servilius, who delivered it as his opinion, that a sepulchre ought publicly to be decreed to Ser. Sulpicius; but not a statue. For if the death of an ambassador without blood or violence requires no honours, why does he decree the honour of a sepulchre, which may be reckoned the greatest that can be conferred on the dead? But if he grants that to Ser. Sulpicius, which was not granted to Cn. Octavius, why does he refuse to the former what was granted to the latter? Our ancestors have granted statues to

Majores quidem nostri statuas multis decreverunt, sepulera paucis: sed statuae intereunt tempestate, vi, vetustate; sepulcrorum autem sanctitas in ipso solo est, quod nullâ vi moveri neque deleri potest; atque ut caetera extinguntur, sic sepulcra sanctiora fiunt vetustate. Augeatur igitur isto etiam honore is vir, cui nullus honor tribui non debitus potest: grati simus in ejus morte decoranda, cui nullam jam aliam gratiam referre possumus: notetur etiam M. Antonii, nefarium bellum gerentis, scelerata audacia; his enim honoribus habitis Ser. Sulpicio, repudiatae rejectaeque legationis ab Antonio manebit testificatio sempiterna.

VII. (5) Quas ob res ita censeo: (6) CUM Ser. Sulpicius, Q. F. Lemoniâ, Rufus, difficillimo reipublicae tempore, gravi periculosoque morbo affectus, auctoritatem senatus salutemque reipublicae vitae suaे praeponuerit, contraque vim gravitatemque morbi contenderit, ut in castra Antonii, quò senatus eum misserat, perveniret; isque, cùm jam propè castra venisset, vi morbi oppressus, vitam amiserit in maximo reipublicae munere: ejusque mors consentanea vitae fuerit sanctissimè honestissimè actae, in quâ saepe magno usui reipublicae Ser. Sulpicius et privatus et in magistratibus fuerit: cùm talis vir ob rempublicam in legatione mortem obiérît; senatui placere, Ser. Sulpicio statuam pedestrem aeneam in rostris ex hujus ordinis sententia statui, circumque eam statuam locum gladiatoribus, liberos posterosque ejus quoquò versùs pedes quinque habere, quòd is ob rempublicam mortem obierit, eamque causam in basi inscribi: Utique C. Panza, A. Hirtius, consules, alter ambove, si eis videbitur, quaestoribus urbanis imperent, ut eam basim, statuamque faciendam et in rostris statuendam locent; quantique locaverint, tantam pecuniam redemptori attribuendam solvendamque curent: cùmque antea senatus auctoritatem suam in virorum fortium funeribus ornamentiisque ostenderit; placere, eum quàm amplissimè supremo die suo efferri: et, cùm Ser. Sulpicius, Q. F. Lemoniâ, Rufus, ita de republica meritus sit, ut his ornamentis decorari debeat:

NOTES.

(5) *Quas ob res ita censeo.*] What the majority of the Roman senate approved, was drawn up into a decree, which was generally conceived in words prepared and dictated by the first mover of the question, or the principal speaker in favour of it; who, after he had spoken upon it, what he thought sufficient to recommend it to the senate, used to conclude his speech by summing his opinion

in the form of such a decree as he desired to obtain in consequence of it. Thus Cicero's orations against Antony, which were spoken at different times in the senate, on points of the greatest importance, generally conclude with the form of such a decree as he was recommending on each particular occasion: *quaé cum ita sunt;* or, *quas ob res ita censeo.* See Phil. 3, 5, 8, 10, 13, 14.

many; but sepulchres only to a few. Statues perish by violence, and the injuries of time; but the sanctity of sepulchres is in the ground itself, which no violence can shake or overthrow; and time, which destroys other things, renders them only the more venerable. Let Sulpicius, therefore, to whom no unmerited honour can be paid, receive this additional honour likewise. Let us show ourselves grateful, in honouring the death of the man on whom we can now bestow no other mark of our regard. Let the audaciousness of M. Antony, too, who is now waging an impious war against his country, be branded with infamy; for these honours paid to the memory of Ser. Sulpicius, will remain an eternal testimony of Antony's having slighted and rejected our embassy.

SECT. VII. For which reasons my opinion is, that, “whereas Ser. Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, in a critical juncture of the state, when he himself laboured under a dangerous indisposition, preferred the authority of the senate, and the welfare of the state, to his own life; and strove against the violence and obstinacy of his distemper, to reach Antony's camp, whither the senate had sent him; and when he had almost got thither, overcome by the violence of his indisposition, lost his life in the discharge of the most weighty employment of the state; and his death was such as became a life of the strictest integrity and honour; during which Ser. Sulpicius was often of great service to his country, both in a private and a public capacity: whereas so great a man died, for the sake of the state, in the discharge of his embassy, the senate is pleased to decree, that a pedestrian statue of brass should be erected to him in the rostra, with an area of five feet on all sides of it, for his children and posterity to see the shews of gladiators, and with this inscription on the base of the statue, *that he died in the service of the republic.*” It is farther decreed by the senate, that C. Pansa, and A. Hirtius, the consuls, shall either, or both of them, if they think proper, give orders to the city quaestors to agree for this base and statue, to see that it be erected in the rostra, and to pay the contractor whatever sum they agree for. And whereas the senate has heretofore displayed its dignity in the funerals of brave men, it is likewise decreed, that his funeral obsequies be celebrated with the utmost magnificence. And whereas Ser. Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, has done so many im-

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(6) *Cum Ser. Sulpicius, Lemonia, &c.]* | a village of that name, near the *Porta Capena*, in the Latine road.
The Lemonian tribe was so called, from

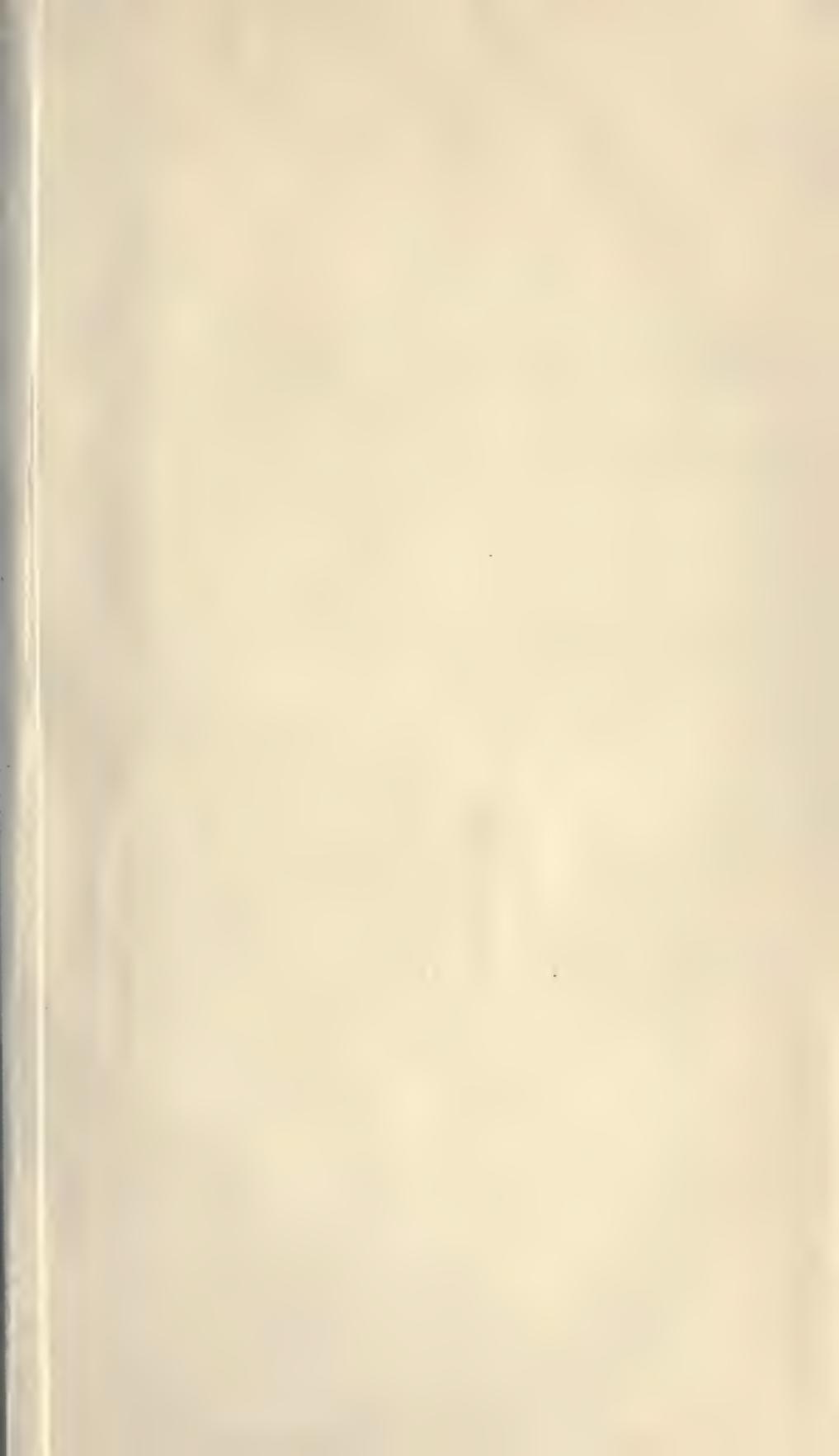
senatum censere, atque è republica existimare, aediles curules edictum, quod de funeribus habeant, Ser. Sulpicii, Q. F. Leno-niâ, Rufi, funeri mittere: utique locum sepulcro in campo Esquino C. Pansa consul, seu quo alio in loco videbitur, pedes triginta quoquo versùs adsignet, quo Ser. Sulpicius inferatur; quod sepulcrum ipsius, liberorum posterorumque ejus sit; uti quod optimo jure sepulcrum publicè datum est.

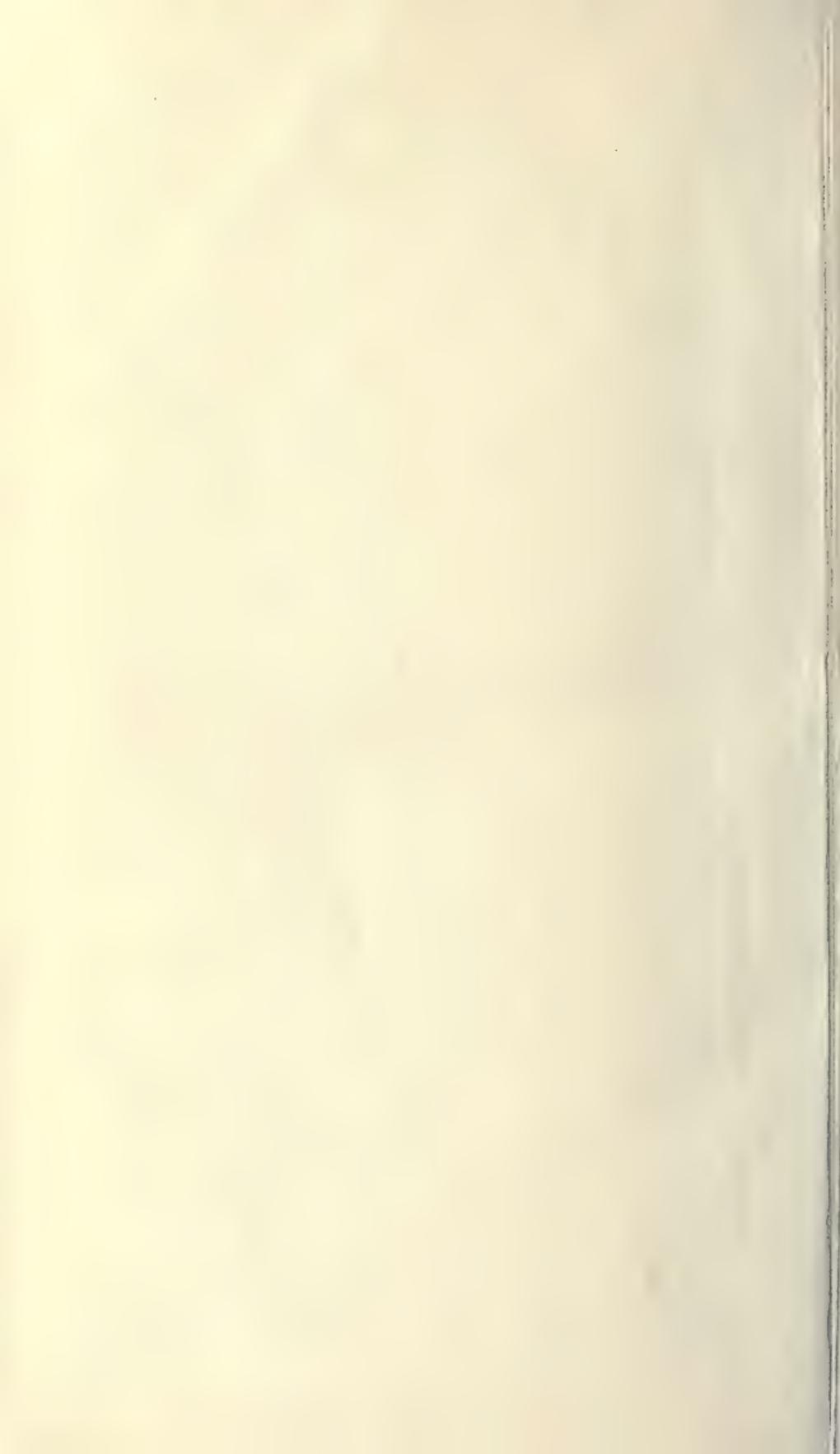
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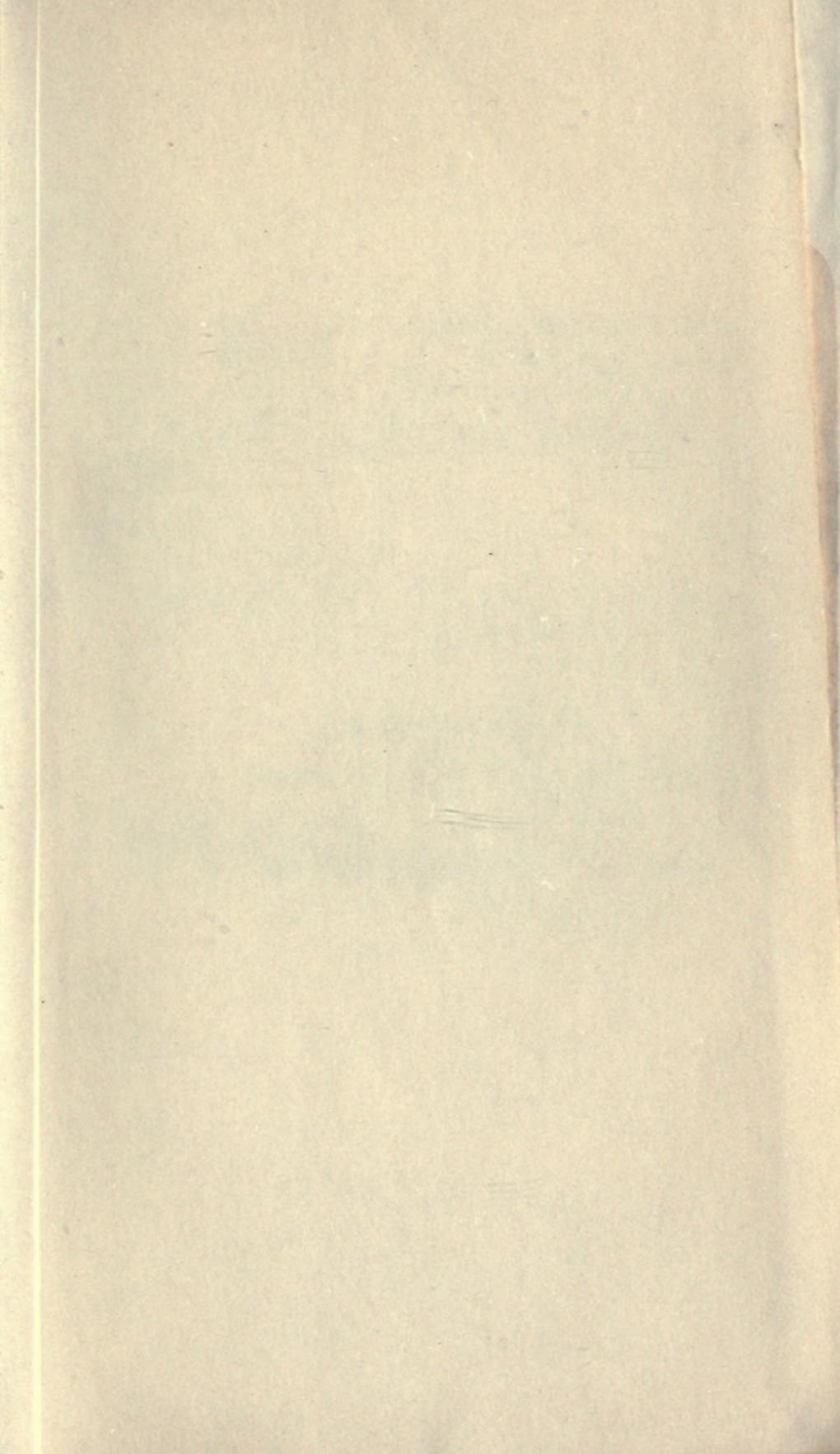
portant services to his country, that he deserves all manner of honours, the senate decrees, and thinks it for the honour of the state, that the curule aediles expend upon the funeral of Sulpicius, what is appointed by the edicts relating to public funerals; and that the consul C. Pansa assign him a place of burial in the Esquiline field, or any other place that shall be thought proper, with an area of thirty feet every way, to be granted publicly, according to the forms of law, as a sepulchre for him, his children, and posterity.

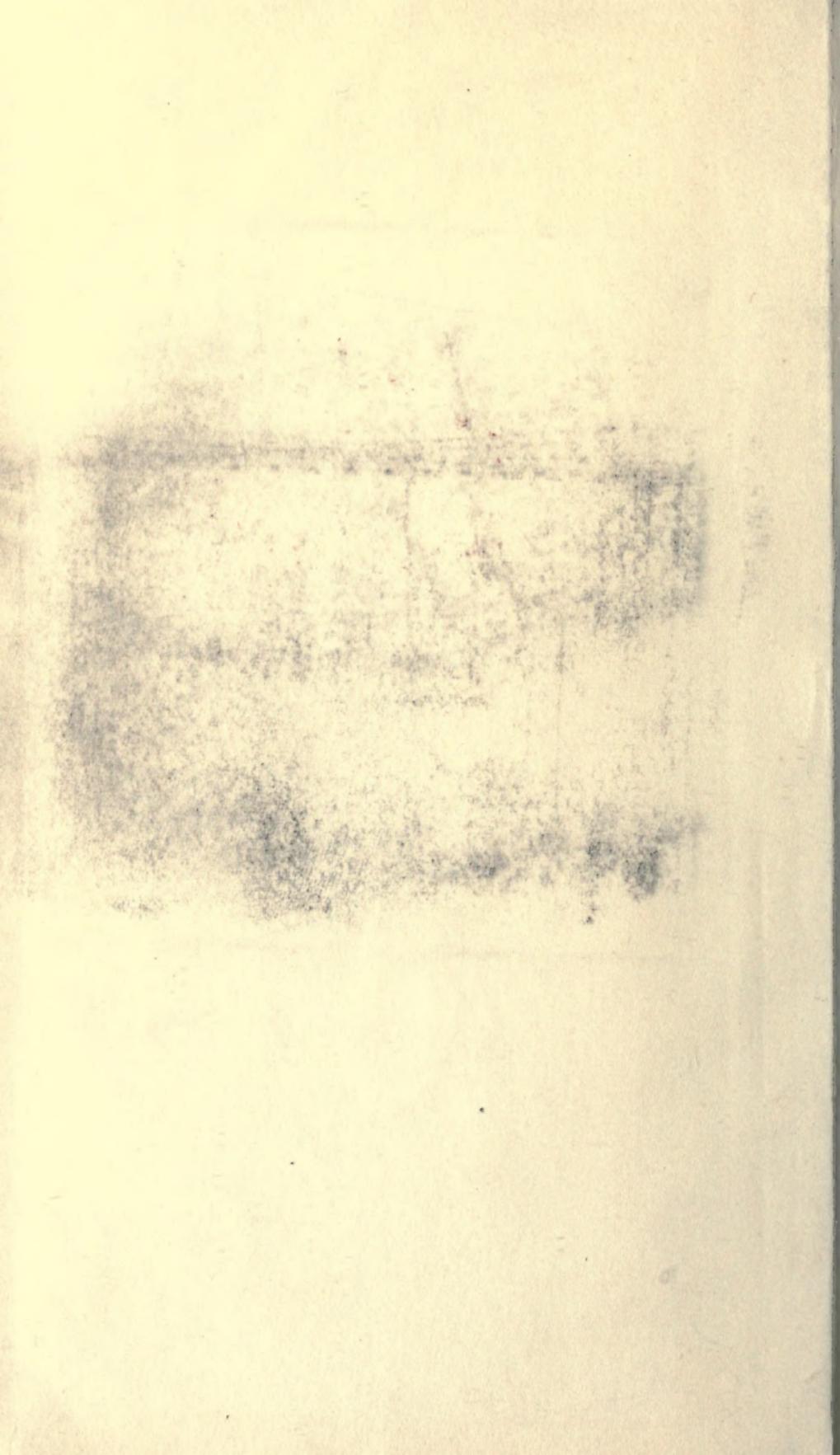
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